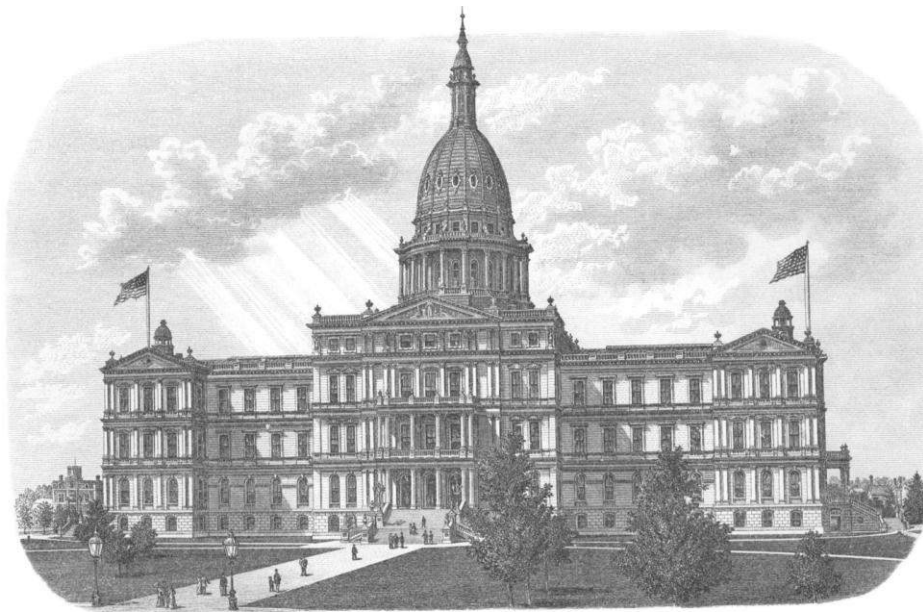


Michigan Register

Issue No. 19 – 2014 (Published November 1, 2014)



GRAPHIC IMAGES IN THE MICHIGAN REGISTER

COVER DRAWING

Michigan State Capitol:

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

PAGE GRAPHICS

Capitol Dome:

The architectural rendering of the Michigan State Capitol's dome is the work of Elijah E. Myers, the building's renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers' fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19th century have survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

East Elevation of the Michigan State Capitol:

When Myers' drawings were discovered in the 1950's, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building's recent restoration (1989-1992), this drawing was commissioned to recreate the architect's original rendering of the east (front) elevation.

(Michigan Capitol Committee)

Michigan Register

Published pursuant to § 24.208 of
The Michigan Compiled Laws



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documents filed from October 1, 2014 to October 15, 2014)

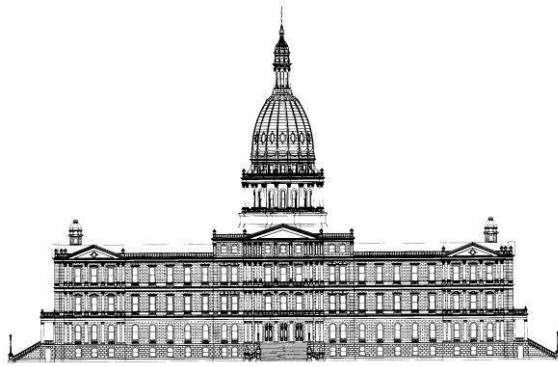
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Mike Zimmer, Acting Director, Office of Regulatory Reinvention; **Deidre O’Berry**, Administrative Rules Specialist for Operations and Publications.

Rick Snyder, Governor



Brian Calley, Lieutenant Governor

PREFACE

PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The Office of Regulatory Reform publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

24.208 Michigan register; publication; cumulative index; contents; public subscription; fee; synopsis of proposed rule or guideline; transmitting copies to office of regulatory reform.

Sec. 8.

(1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

- (a) Executive orders and executive reorganization orders.
- (b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.
- (c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.
- (d) Proposed administrative rules.
- (e) Notices of public hearings on proposed administrative rules.
- (f) Administrative rules filed with the secretary of state.
- (g) Emergency rules filed with the secretary of state.
- (h) Notice of proposed and adopted agency guidelines.
- (i) Other official information considered necessary or appropriate by the office of regulatory reform.
- (j) Attorney general opinions.
- (k) All of the items listed in section 7(m) after final approval by the certificate of need commission under section 22215 of the public health code, 1978 PA 368, MCL 333.22215.

(2) The office of regulatory reform shall publish a cumulative index for the Michigan register.

(3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.

(4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the office of regulatory reform may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.

(5) An agency shall electronically transmit a copy of the proposed rules and notice of public hearing to the office of regulatory reform for publication in the Michigan register.

4.1203 Michigan register fund; creation; administration; expenditures; disposition of money received from sale of Michigan register and amounts paid by state agencies; use of fund; price of Michigan register; availability of text on internet; copyright or other proprietary interest; fee prohibited; definition.

Sec. 203.

- (1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory reform. The fund shall be expended only as provided in this section.
- (2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.
- (3) The Michigan register fund shall be used to pay the costs of preparing, printing, and distributing the Michigan register.
- (4) The department of management and budget shall sell copies of the Michigan register at a price determined by the office of regulatory reform not to exceed the cost of preparation, printing, and distribution.
- (5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of the Michigan register available to the public on the internet.
- (6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time after it is made available to the office of regulatory reform.
- (7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).
- (8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).
- (9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

CITATION TO THE MICHIGAN REGISTER

The *Michigan Register* is cited by year and issue number. For example, 2001 MR 1 refers to the year of issue (2001) and the issue number (1).

CLOSING DATES AND PUBLICATION SCHEDULE

The deadlines for submitting documents to the Office of Regulatory Reinvention for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

The Office of Regulatory Reinvention is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, Office of Regulatory Reinvention, Ottawa Building – Second Floor, 611 W. Ottawa Street, Lansing, MI 48909.

RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

SUBSCRIPTIONS AND DISTRIBUTION

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of \$400.00 per year. Submit subscription requests to: Office of Regulatory Reinvention, Ottawa Building – Second Floor, 611 W. Ottawa Street, Lansing, MI 48909. Checks Payable: State of Michigan. Any questions should be directed to the Office of Regulatory Reinvention (517) 335-8658.

INTERNET ACCESS

The *Michigan Register* can be viewed free of charge on the Internet web site of the Office of Regulatory Reinvention: www.michigan.gov/orr.

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the Office of Regulatory Reinvention Internet web site. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Mike Zimmer, Acting Director
Office of Regulatory Reinvention

2014 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
1	January 15, 2014	February 1, 2014
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5	March 15, 2014	April 1, 2014
6	April 1, 2014	April 15, 2014
7	April 15, 2014	May 1, 2014
8	May 1, 2014	May 15, 2014
9	May 15, 2014	June 1, 2014
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22	December 1, 2014	December 15, 2014
23	December 15, 2014	January 1, 2015
24	January 1, 2015	January 15, 2015

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FILED WITH THE SECRETARY OF STATE

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reinvention shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(f) Administrative rules filed with the secretary of state.”

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

DENTISTRY - GENERAL RULES

Filed with the Secretary of State on October 8, 2014

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 2226, 16145, 16215(6), 16625, and 16644 of 1978 PA 368, MCL 333.2226, 333.16145, 333.16215(6), 333.16225, and 333.16644, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, and 2011-4, MCL 330.3101, 445.2001, 445.2011, and 445.2030)

R 338.11101, R 338.11109, R 338.11115, R 338.11120, R 338.11247, R 338.11401, R 338.11403, R 338.11404a, R 338.11405, R 338.11405a, R 338.11406, R 338.11408, R 338.11409, R 338.11503, R 338.11505, R 338.11513, R 338.11517, R 338.11523, R 338.11701, R 338.11703, R 338.11704, R 338.11704a and R 338.11705 of the Administrative Code are amended, and R 338.11402, R 338.11405b, R 338.11405c, and R 338.11410 are added to the code to read as follows:

PART 1. GENERAL PROVISIONS

R 338.11101 Definitions.

Rule 1101. As used in these rules:

(a) "Analgesia" means the diminution or elimination of pain in the conscious patient as a result of the administration of an agent including, but not limited to, local anesthetic, nitrous oxide, and pharmacological and non-pharmacological methods.

(b) "Approved course" means a course offered by either a dental, dental hygiene, or dental assisting program accredited by the commission on dental accreditation of the American dental association and approved by the department, or as defined in section 16611 of the code.

(c) "Assistant" means a nonlicensed person who may perform basic supportive procedures under the supervision of a dentist as provided in these rules.

(d) "Board" means the Michigan board of dentistry.

(e) "Conscious sedation" means a minimally depressed level of consciousness that retains a patient's ability to independently and continuously maintain an airway and respond appropriately to physical stimulation or verbal command and that is produced by a pharmacological or a non-pharmacological method or a combination of both.

(f) "Code" means 1978 PA 368, MCL 333.1101 to 333.25211.

(g) "Combination inhalation-enteral conscious sedation" means conscious sedation using inhalation and enteral agents. Nitrous oxide/oxygen when used in combination with sedative agents may produce conscious or deep sedation or general anesthesia.

(h) “Dental school” means an institution that offers a curriculum that provides a core of required dental education, training, and experience, and includes at least 4 years of academic instruction or its equivalent leading to the degree of doctor of dental surgery or doctor of dental medicine. The dental school is a component of an institution of higher education that is accredited by an agency recognized by the United States department of education and that the American dental association’s commission on dental accreditation has accredited as a dental education program.

(i) “Dentist” means a person licensed by the board under the code and these rules.

(j) “Department” means the department of licensing and regulatory affairs.

(k) “Enteral” means any technique of administration in which the agent is absorbed through the gastrointestinal or oral mucosa.

(l) “General anesthesia” means the elimination of all sensations accompanied by a state of unconsciousness and loss of reflexes necessary to maintain a patent airway.

(m) “Licensed” means the possession of a full license to practice, unless otherwise stated by the code or these rules.

(n) “Local anesthesia” means the elimination of sensation, especially pain, in one part of the body by the topical application or regional injection of a drug.

(o) “Office” means the building or suite in which dental treatment is performed.

(p) “Parenteral” means a technique of administration in which the drug bypasses the gastrointestinal (gi) tract, such as intramuscular (im), intravenous (iv), intranasal (in), submucosal (sm), subcutaneous (sc), and intraocular (io).

(q) “Patient of record” means a patient who has been examined and diagnosed by a licensed dentist and whose treatment has been planned by a licensed dentist.

(r) “Public health service” means the United States public health service. A person applying for an exemption under this classification shall submit a certified copy of his or her official papers verifying active duty status.

(s) “Registered dental assistant” means a person licensed as such by the board under the code and these rules. A dental hygienist may perform the functions of a registered dental assistant if he or she is licensed by the board as a registered dental assistant.

(t) “Registered dental hygienist” means a person licensed as such by the board under the code and these rules.

(u) “Second pair of hands,” as used in R 338.11109, means acts, tasks, functions, and procedures performed by a dental assistant, registered dental assistant, or registered dental hygienist at the direction of a dentist who is in the process of rendering dental services and treatment to a patient. The acts, tasks, functions, and procedures performed by a dental assistant, registered dental assistant, or registered dental hygienist are ancillary to the procedures performed by the dentist and intended to provide help and assistance at the time the procedures are performed. This definition shall not be deemed to expand the duties of the dental assistant, registered dental assistant, or registered dental hygienist as provided by the code and rules promulgated by the board.

(v) “Sedation” means the calming of a nervous, apprehensive individual, without inducing loss of consciousness, through the use of systemic drugs. Agents may be given orally, parenterally, or by inhalation.

(w) “Titration” means the administration of small incremental doses of a drug until a desired clinical effect is observed. In accordance with this definition, titration of oral medication for the purposes of sedation is unpredictable. Repeated dosing of orally administered sedative agents may result in an alteration of the state of consciousness beyond the intent of the practitioner. The maximum recommended dose (mrd) of an oral medication shall not be exceeded. Facilities, personnel, and standards for enteral sedation are the same as those for parental sedation.

(x) “Treatment room” means the particular room or specific area in which the dental treatment is performed upon a patient.

R 338.11109 Second pair of hands.

Rule 1109. A person, while assisting a licensed dentist who at the time is actively performing services in the mouth of a patient, may function as a second pair of hands for the dentist. A person shall only assist a registered dental hygienist as a second pair of hands under the requirements of section 16626 of the code, MCL 333.16626.

R 338.11115 Assessment of fines.

Rule 1115. When a fine has been designated as an available sanction for a violation of sections 16221 to 16226 of the code, in the course of assessing a fine, the disciplinary subcommittee shall take into consideration all of the following factors:

- (a) The extent to which the licensee obtained financial benefit from any conduct comprising part of the violation found by the disciplinary subcommittee.
- (b) The willfulness of the conduct found to be part of the violation determined by the disciplinary subcommittee.
- (c) The public harm, actual or potential, caused by the violation found by the disciplinary subcommittee.
- (d) The cost incurred in investigating and proceeding against the licensee.

R 338.11120 Dental treatment records; requirements.

Rule 1120. (1) A dentist shall make and maintain a dental treatment record on each patient.

(2) The dental treatment records for patients shall include all of the following information:

- (a) Medical and dental history.
 - (b) The patient’s existing oral health care status and the results of any diagnostic aids used.
 - (c) Diagnosis and treatment plan.
 - (d) Dental procedures performed upon the patient, that specify both of the following:
 - (i) The date the procedure was performed.
 - (ii) Identity of the dentist or the dental auxiliary performing each procedure.
 - (e) Progress notes that include a chronology of the patient’s progress throughout the course of all treatment.
 - (f) The date, dosage, and amount of any medication or drug prescribed, dispensed, or administered to the patient.
 - (g) Radiographs taken in the course of treatment. If radiographs are transferred to another dentist, the name and address of that dentist shall be entered in the treatment record.
- (3) All dental treatment records shall be permanent and shall be maintained for not less than 10 years from the date of the last treatment provided.

PART 2. LICENSURE

R 338.11247 Limited licenses; issuance; requirements.

Rule 1247. (1) The board may issue a limited license, under section 16182(2)(a) of the code, to an individual who is a graduate of a dental, dental hygiene, or dental assisting program approved by the board and who is enrolled or involved in a postgraduate course of study.

(2) The board may issue a limited license, under section 16182(2)(b) of the code, MCL 333.16182(2)(b), to an individual who is a graduate dentist, dental hygienist, or dental assistant and who is employed by a dental program or a dental auxiliary program as a faculty member, and who functions only in a nonclinical academic research setting or in an administrative setting.

(3) The board may issue a limited license, under section 16182(2)(c) of the code, MCL 333.16182(2)(b), to an individual who is a graduate dentist, dental hygienist, or dental assistant and who is employed by a dental program or a dental auxiliary program as a faculty member. Both of the following apply to a limited license:

(a) A limited licensed dentist or a limited licensed dental hygienist may perform dental procedures upon patients while employed as a faculty member by the dental or dental auxiliary program, if the procedures are performed under the general supervision, as defined in R 338.11401(d), of a faculty member who is a fully licensed dentist.

(b) A limited licensed dental assistant may perform dental procedures upon patients while employed as a faculty member of a dental or dental auxiliary program, if such procedures are performed under the general supervision, as defined in R 338.11401(d), of a faculty member who is fully licensed as a dentist and the limited licensed dental assistant has satisfied the 35 hours of additional education required under section 16611(7), (11), (12) and (13) of the code, MCL 333.16611(7), (11), (12) and (13).

(4) An individual licensed under this rule shall not do either of the following:

(a) Hold himself or herself out to the public as being engaged in the practice of dentistry or the practice as a dental hygienist or a dental assistant, other than as a faculty member.

(b) Provide dental services outside his or her employment as a faculty member.

(5) An individual applying for a limited license under section 16182(2) of the code, MCL 333.16182(2), shall meet both of the following requirements:

(a) Comply with section 16174 of the code, MCL 333.16174.

(b) Submit proof of graduation from an accredited school of dentistry, dental hygiene, or dental assisting or submit proof of a certified copy of the diploma and transcript from a nonaccredited school of dentistry, dental hygiene, or dental assisting.

(c) Submit proof of appointment to a faculty position.

(6) Limited licenses shall be renewed annually at the discretion of the board.

PART 4. DELEGATION, SUPERVISION, ASSIGNMENT

R 338.11401 Definitions.

Rule 1401. As used in this part:

(a) “Assignment” means that a dentist designates a patient of record upon whom services are to be performed and describes the procedures to be performed. Unless assignment is designated in these rules under general or direct supervision, the dentist must be physically present in the office at the time the procedures are being performed.

(b) “Delegation” means an authorization granted by a licensee to a licensed or unlicensed individual to perform selected acts, tasks, or functions that fall within the scope of practice of the delegator and that are not within the scope of practice of the delegatee and that, in the absence of the authorization, would constitute illegal practice of a licensed profession.

(c) “Direct supervision” means that a dentist complies with all of the following:

- (i) Designates a patient of record upon whom the procedures are to be performed and describes the procedures to be performed.
- (ii) Examines the patient before prescribing the procedures to be performed and upon completion of the procedures.
- (iii) Is physically present in the office at the time the procedures are being performed.
- (d) “General supervision” means that a dentist complies with both of the following:
 - (i) Designates a patient of record upon whom services are to be performed.
 - (ii) Is physically present in the office at the time the procedures are being performed.

R 338.11402 Delegation or assignment of procedures by dentist to assistant, registered dental assistant, or registered dental hygienist; certain procedures prohibited.

Rule 1402. (1) A dentist shall not delegate or assign any of the following functions to an assistant or a registered dental assistant unless authorized by these rules or the code:

- (a) Diagnosing, or prescribing for, any of the following:
 - (i) Disease.
 - (ii) Pain.
 - (iii) Deformity.
 - (iv) Deficiency.
 - (v) Injury.
 - (vi) Physical condition.
 - (b) Cutting of hard and soft tissue.
 - (c) Removal of any of the following:
 - (i) Accretions.
 - (ii) Stains.
 - (iii) Calculus deposits.
 - (d) Deep scaling.
 - (e) Root planing.
 - (f) Any intra-oral restorative procedures.
 - (g) Administration of any of the following:
 - (i) Local anesthesia.
 - (ii) Nitrous oxide analgesia.
 - (iii) Acupuncture.
 - (h) Irrigation and medication of root canals, try-in of cones or points, filing, or filling of root canals.
 - (i) Taking impressions for any purpose other than study or opposing models.
 - (j) Permanent cementation of any restoration or appliance.
- (2) A dentist shall not assign to a registered dental hygienist the procedures described in subrule (1) (a), (b), (f), (g), (h), (i), and (j) of this rule unless authorized by these rules or the code.

R 338.11403 Assistant; delegation of intra-oral procedures under general supervision.

Rule 1403. The following intra-oral procedures shall not be delegated to an assistant unless the procedures are performed under general supervision:

- (a) Trial sizing of orthodontic bands.
- (b) Holding the matrix for anterior resin restorations.
- (c) Making impressions for study and opposing models.

- (d) Applying of topical anesthetic solutions.
- (e) Instructing in the use and care of dental appliances.
- (f) Operating dental radiographic equipment if the assistant has successfully completed a course in dental radiography which is substantially equivalent to a course taught in a program approved by the board pursuant to R 338.11303 or R 338.11307. This subdivision takes effect July 26, 1992.

R 338.11404a Registered dental assistant; assignment of intra-oral procedures.

Rule 1404a. A dentist may assign the following intraoral dental procedures to a registered dental assistant only if the procedures are performed under the assignment of a dentist:

- (a) Operating dental radiographic equipment.
- (b) Making impressions for study and opposing models.
- (c) Placing and removing a rubber dam.
- (d) Removing excess cement from supragingival surfaces of a tooth with a non-tissue cutting instrument.
- (e) Polishing specific teeth with a slow-speed rotary hand piece immediately before a procedure that would require acid etching before placement of sealants, resin-bonded orthodontic appliances, and direct restorations.
- (f) Applying anticarogenic agents including, but not limited to, sealants, fluoride varnish, and fluoride applications.
- (g) Polishing and contouring of sealants with a slow-speed rotary hand piece immediately following the procedure for the purpose of occlusal adjustment.
- (h) Inspecting and charting of the oral cavity using a mouth mirror and radiographs.
- (i) Replacing existing temporary restorations and existing temporary crowns and temporary bridges.
- (j) Removing orthodontic elastics, ligatures, and elastic or wire separators.
- (k) Replacing elastic or wire separators.
- (l) Classifying occlusion.
- (m) Providing nutritional counseling for oral health and maintenance.
- (n) Applying commonly accepted emergency procedures.

R 338.11405 Registered dental assistant; assignment of intra-oral procedures under general supervision.

Rule 1405. A dentist shall assign the intra-oral dental procedures detailed in R 338.11403(a), (b), (d), (e), and (f) and the following additional intra-oral procedures to a registered dental assistant only if the procedures are performed under the general supervision of a dentist:

- (a) Placing and removing a nonmetallic temporary restoration with non-tissue cutting instruments.
- (b) Sizing of temporary crowns and bands.

R 338.11405a Registered dental assistant; assignment of intra-oral procedures under direct supervision.

Rule 1405a. A dentist shall assign the following intra-oral dental procedures to a registered dental assistant only if the procedures are performed under the direct supervision of a dentist:

- (a) Placing and removing periodontal dressings.
- (b) Temporarily cementing and removing temporary crowns and bands.
- (c) Removing sutures.
- (d) Applying in-office bleaching.
- (e) Cementing orthodontic bands or initial placement of orthodontic brackets.

(f) Removing orthodontic adhesive from teeth, supragingivally, after removing brackets with non-tissue cutting instruments.

R 338.11405b Registered dental assistant; delegation of intra-oral procedures under general supervision.

Rule 1405b. (1) Placing and removing of retraction materials shall be performed only by a registered dental assistant if the procedure is delegated by a dentist to a registered dental assistant under general supervision.

(2) A dentist shall delegate the following intra-oral procedures to a registered dental assistant only if the registered dental assistant has successfully completed an approved course, as defined in section 16611(12) and (13) of the code, MCL 333.16611(12) and (13). The following procedures shall be performed under the general supervision of a dentist:

- (a) Performing pulp vitality testing.
- (b) Placing and removing matrices and wedges.
- (c) Applying cavity liners and bases.
- (d) Placing and removing nonepinephrine retraction cords.
- (e) Applying desensitizing agents.
- (f) Taking an impression for orthodontic appliances, mouth guards, bite splints, and bleaching trays.
- (g) Drying endodontic canals with absorbent points.
- (h) Etching and placing adhesives before placement of orthodontic brackets.

R 338.11405c Registered dental assistant; delegation of intra-oral procedures under direct supervision.

Rule 1405c. (1) A dentist shall delegate the following intra-oral procedures to a registered dental assistant only if the registered dental assistant has successfully completed an approved course, as defined in section 16611(11) of the code, MCL 333.16611(11), followed by a comprehensive clinical experience of sufficient duration that validates clinical competence through a criterion-based assessment instrument.

(2) The following procedures shall be performed under the direct supervision of a dentist:

- (a) Placing, condensing, and carving amalgam restorations.
- (b) Placing Class I resin bonded restorations, occlusal adjustment, finishing, and polishing with non-tissue cutting rotary hand pieces.
- (c) Taking of final impressions for indirect restorations.

(3) A dentist shall delegate the assisting and monitoring of the administration of nitrous oxide analgesia by the dentist or registered dental hygienist to a registered dental assistant only if the registered dental assistant has successfully completed an approved course, as defined in section 16611(7) of the code, MCL 333.16611(7), in the assisting and monitoring of the administration of nitrous oxide analgesia. This procedure shall be performed under the direct supervision of a dentist.

R 338.11406 Performance of intra-oral procedures by a registered dental hygienist.

Rule 1406. A registered dental hygienist shall not perform functions exclusive to a registered dental assistant unless the registered dental hygienist is also licensed as a registered dental assistant.

R 338.11408 Registered dental hygienist; assignment of intra-oral procedures.

Rule 1408. A registered dental hygienist shall not perform the following intraoral dental procedures unless the procedures are performed under the assignment of a dentist:

- (a) Removing accretions and stains from the surfaces of the teeth and applying of topical agents essential to complete prophylaxis.
- (b) Root planning or debridement.
- (c) Polishing and contouring restorations.
- (d) Applying anticariogenic and desensitizing agents including, but not limited to, sealants, fluoride varnish, and fluoride applications.
- (e) Charting of the oral cavity, including all of the following:
 - (i) Periodontal charting.
 - (ii) Intra- and extra-oral examining of soft tissue.
 - (iii) Charting of radiolucencies or radiopacities, existing restorations, and missing teeth.
- (f) Preliminary examining that includes both of the following:
 - (i) Classifying occlusion.
 - (ii) Testing pulp vitality using an electric pulp tester.
- (g) Applying topical anesthetic agents by prescription of the dentist.
- (h) Placing and removing intra-coronal temporary sedative dressings.
- (i) Placing and removing postextraction and periodontal dressings.
- (j) Removing excess cement from tooth surfaces.
- (k) Providing nutritional counseling for oral health and maintenance.
- (l) Applying commonly accepted emergency procedures.
- (m) Removing sutures.
- (n) Placing and removing a rubber dam.
- (o) Taking impressions for study or opposing models, orthodontic appliances, mouth guards, bite splints, and bleaching trays.
- (p) Operating dental radiographic equipment.
- (q) Placing subgingival medicaments.
- (r) Temporarily cementing and removing of temporary crowns and bands.
- (s) Applying or dispensing in-office bleaching products.

R 338.11409 Registered dental hygienist; assignment of intra-oral procedures under direct supervision.

Rule 1409. Soft tissue curettage shall be performed only by a registered dental hygienist if the procedure is assigned by a dentist to a registered dental hygienist under direct supervision.

R 338.11410 Registered dental hygienist; delegation of procedures under direct supervision.

Rule 1410. (1) A dentist may delegate administering intra-oral block or infiltration anesthesia or nitrous oxide analgesia or both to a registered dental hygienist under direct supervision to a patient 18 years of age or older and only if the registered dental hygienist has met all of the following requirements:

- (a) Successfully completed an approved course, as defined in section 16611(4) of the code, MCL 333.16611(4), in the administration of local anesthesia or nitrous oxide analgesia, or both.
- (b) Successfully completed a state or regional board administered written examination in local anesthesia within 18 months of completion of the approved course.
- (c) Successfully completed a state or regional board administered written examination on nitrous oxide analgesia, within 18 months of completion of the approved course.
- (d) Maintains and provides evidence of current certification in basic or advanced cardiac life support.

(2) A dental hygienist who meets the requirements of subrule (1) of this rule shall not administer more than 50% nitrous oxide.

PART 5. SPECIALTIES

R 338.11503 Eligibility to qualify for state board specialty examination; exception.

Rule 1503. (1) To be eligible to take the state board specialty examination, an applicant shall comply with all of the following requirements:

- (a) Possess a current license to practice dentistry in this state.
- (b) Fulfill the requirements in these rules for that specialty.
- (c) Submit evidence of completion or anticipated completion within 90 days of the examination date from the dean or hospital administrator of a graduate program of dentistry that is approved by the board under R 338.11301.
- (d) Submit a completed application on a form provided by the department, together with the requisite fee, not less than 45 days before the examination.

(2) An applicant for licensure in oral and maxillofacial surgery, oral pathology, pediatric dentistry, or prosthodontics is not required to take a state board specialty examination.

R 338.11505 Specialty licensure; general requirements.

Rule 1505. An applicant for a specialty license shall comply with all of the following requirements:

(a) Submit a final official transcript of dental postgraduate training from a graduate program of dentistry approved by the board under R 338.11301 or, in the case of a hospital program that does not issue transcripts, certification by the hospital administrator or other official of the satisfactory completion of the program.

(b) Except as provided in R 338.11503(2), secure a minimum converted score of 75 in the state board examination in the specific specialty under these rules. Submission of verification that an applicant for specialty licensure has successfully passed the American board written examination is satisfactory compliance with the requirement for the written portion of the state board examination for licensure in Michigan for the applicant's specialty.

(c) The provisions of subdivision (b) of this rule are waived if the applicant has provided satisfactory evidence of the successful completion of either of the following:

(i) Diplomate status in the appropriate American board specialty association through completion of the American board specialty examinations.

(ii) An examination deemed substantially equivalent to the Michigan examination as provided in R 338.11267.

R 338.11513 Oral and maxillofacial surgery explained; licensure requirements; examination content.

Rule 1513. (1) The practice of oral and maxillofacial surgery includes the diagnosis, surgical, and adjunctive treatment of diseases, injuries, and defects involving both the functional and esthetic aspects of the hard and soft tissues of the oral and maxillofacial region.

(2) The specialty of oral and maxillofacial surgery shall include, but not be limited to, the care, treatment, and procedures associated with an office and hospital-based practice under R 338.11301.

(3) A dentist who applies for licensure as an oral and maxillofacial surgeon shall comply with all of the following requirements:

- (a) Hold a current license to practice dentistry in this state.
- (b) Have completed a residency in oral and maxillofacial surgery approved by the board under R 338.11301.
- (4) A dentist who applies for licensure as an oral and maxillofacial surgeon shall comply with R 338.11505.

R 338.11517 Prosthodontics explained; licensure requirements; examination content.

Rule 1517. (1) The practice of prosthodontics includes the diagnosis, treatment planning, rehabilitation, and maintenance of the oral function, comfort, appearance, and health of patients with clinical conditions associated with missing or deficient teeth and/or oral and maxillofacial tissues using biocompatible substitutes.

(2) The specialty of prosthodontics shall include, but not be limited to, the restoration and maintenance of oral function, comfort, appearance, and health of the patient by the restoration of natural teeth and the replacement of missing teeth and contiguous oral and maxillofacial tissues with artificial substitutes.

(3) A dentist who applies for licensure as a prosthodontist shall comply with all of the following requirements:

- (a) Hold a current license to practice dentistry in this state.
- (b) Have graduated from a program of prosthodontics approved by the board under R 338.11301.
- (c) Provide verification of a passing score on the written portion of the specialty certification examination which is conducted and scored by the American board of prosthodontics.
- (4) A dentist who applies for licensure as a prosthodontist shall comply with R 338.11505.

R 338.11523 Endodontics explained; licensure requirements; examination content.

Rule 1523. (1) The practice of endodontics includes the morphology, physiology, and pathology of the human dental pulp and periradicular tissues. Its study encompasses related basic and clinical sciences, including the biology of the normal pulp and the etiology, diagnosis, prevention, and treatment of diseases and injuries of the pulp and associated periradicular conditions.

(2) The specialty of endodontics shall include all of the following:

- (a) Pulpotomy.
- (b) Pulp capping.
- (c) Hemisections.
- (d) Pulp extirpation.
- (e) Root amputations.
- (f) Implants.
- (g) Treatment of the pulp canals.
- (h) Bleaching of discolored teeth.
- (i) Obturation of canals of the teeth.
- (j) Replantation and intentional replantation.
- (k) Periapical and lateral pathosis of pulpal origin.
- (l) Selective surgical removal of lesions of endodontic origin and affected teeth.
- (m) Differential diagnosis and control of pain of pulpal origin.
- (n) Pulp restoration.

(3) A dentist who applies for licensure as an endodontist shall comply with all of the following requirements:

- (a) Hold a current license to practice dentistry in this state.

- (b) Have graduated from a program of endodontics approved by the board under R 338.11301.
- (c) Provide verification of a passing score on clinical examination for licensure as an endodontist. The clinical examination shall include, but not be limited to, all of the following:
 - (i) Submission and defense of patient case histories and treatment plans for evaluation by not less than 2 examiners. This includes the completion and presentation of 10 case histories with complete radiographs before and after completion of the cases which shall include all of the following:
 - (A) One case in which the diagnostic evaluation of the patient, systemic or dental, was the most significant feature of the case.
 - (B) One case in which emergency treatment procedures in addition to endodontic procedures were required.
 - (C) One case of the endodontic management of a medically compromised patient. Recognition, documentation, or both of a medical problem shall not satisfy this requirement.
 - (D) Two cases of a nonsurgical root canal treatment, which shall include, but not be limited to, a case with calcified canals, curved canals, long canals, or unusual anatomy. These 2 cases shall include 1 maxillary molar and 1 mandibular molar.
 - (E) One case of a nonsurgical retreatment of a maxillary or mandibular molar.
 - (F) One case of maxillary or mandibular molar periapical surgery with root-end resection and root-end filling.
 - (G) Three additional cases selected by the applicant which may include, but not be limited to, any of the following:
 - (1) A procedure described in subrule 3(c)(i)(A) to (G) of this rule.
 - (2) A surgical or non-surgical case of sufficient complexity that fits in the current scope of endodontic practice.
 - (3) The management of any of the following:
 - (a) Traumatic injuries and their sequelae.
 - (b) External or internal resorption.
 - (c) Iatrogenic or resorptive perforations.
 - (d) Incompletely developed apices.
 - (e) Periodontic endodontic lesions.
 - (f) Hemisections or root amputations.
 - (g) Intentional replantation or transplantation.
 - (h) Orthodontic endodontic cases.
 - (i) Separated instrument or post removal.
 - (j) Developmental anomalies.
- (5) A dentist who applies for licensure as an endodontist shall comply with R 338.11505.

PART 6. GENERAL ANESTHESIA AND INTRAVENOUS CONSCIOUS SEDATION AND ENTERAL SEDATION

R 338.11603 Adoption of standards; effect of certification of programs.

Rule 1603. (1) The board adopts the standards for advanced training in anesthesia and pain control set forth by the commission on dental education of the American dental association in part 2 of the publication entitled "Guidelines for Teaching the Comprehensive Control of Anxiety and Pain in Dentistry," October 2003 edition. Part

2 of the guidelines may be obtained at no cost from the Commission on Dental Education, American Dental Association, 211 E. Chicago Avenue, Chicago, IL 60611, or on the association's website at <http://www.ada.org/prof/resources>. A copy of the standards is available for inspection and distribution at cost from the Michigan Board of Dentistry, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909. Certification of programs by the council on dental education as meeting the standards adopted constitutes a prima facie showing that the program is in compliance with the standards.

(2) The board adopts the standards for training in intravenous conscious sedation and related subjects set forth by the council on dental education of the American dental association in part 1 of the publication entitled "Guidelines for Teaching the Comprehensive Control of Anxiety and Pain in Dentistry," October 2003 edition. Part

1 of the guidelines may be obtained at no cost from the Commission on Dental Education, American Dental Association, 211 E. Chicago Avenue, Chicago, IL 60611, or on the association's website at <http://www.ada.org/prof/resources>. A copy of the standards is available for inspection and distribution at cost from the Michigan

Board of Dentistry, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909. Certification of programs by the council on dental education as meeting the standards adopted constitutes a prima facie showing that the program is in compliance with the standards.

(3) The board adopts the standards for credentialing in basic and advanced life support set forth by the American heart association in the guidelines for cardiopulmonary resuscitation and emergency cardiac care for professional providers and published in "Guidelines 2000 for Cardiopulmonary Resuscitation and Emergency Cardiovascular Care (70-2041). A copy of the guidelines for cardiopulmonary resuscitation and emergency cardiac care may be obtained from the American Heart Association, 7272 Greenville Avenue, Dallas, TX 75231 or at <http://www.americanheart.org> at a cost of \$20.00 as of the adoption of these rules. A copy of this document is available for inspection and distribution at cost from the Michigan Board of Dentistry, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.

(4) The board adopts the standards regarding the equipment within a facility set forth by the American association of oral and maxillofacial surgeons in the publication entitled "Office Anesthesia Evaluation Manual," sixth edition. A copy of this manual may be obtained from the American Association of Oral and Maxillofacial Surgeons, 9700 West Bryn Mawr Avenue, Rosemont, IL 60018, or at the association's website at <http://www.aaoms.org> at a cost of \$95 for members and professional/allied staff, \$285 for nonmembers, and \$190 for institutions as of the adoption of these rules. A copy of this document is available for inspection and distribution at cost from the Michigan Board of Dentistry, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.

R 338.11605 Enteral sedation; requirements for approval of course and instructor.

Rule 1605. (1) A course in enteral sedation shall be approved by the board of dentistry and shall, at a minimum, be consistent with the enteral sedation course as outlined in the American dental association's educational guidelines "Part Three: Teaching the Comprehensive Control of Pain and Anxiety in a Continuing Education Program," October 2003, whose guidelines are adopted by the board. Such a course must provide training in patient assessment, recognition of emergencies and airway management, including the ability to manage an unconscious airway. Part 3 of the guidelines may be obtained at no

cost from the American Dental Association, 211 E. Chicago Avenue, Chicago, IL 60611 or on the association's website at <http://www.ada.org>. A copy of the guidelines is available for inspection and distribution at cost from the Michigan Board of Dentistry, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.

(2) An instructor of a course in enteral sedation shall be approved by the board of dentistry and shall have at least 3 years of experience which includes his or her formal postdoctoral training in anxiety and pain control.

(3) An instructor of an approved enteral sedation course shall certify the competency of a participant upon a participant's satisfactorily completing training in each conscious sedation technique, including instruction, clinical experience, and airway management.

PART 7. CONTINUING EDUCATION

R 338.11701 Renewal of a dentist license; dental specialist; special retired volunteer dentist license; requirements; applicability.

Rule 1701. (1) This rule applies to applications for the renewal of a dentist license under sections 16201(1) and (2) and 16184(2) and (3) of the code.

(2) An applicant for a license renewal who has been licensed for the 3-year period immediately preceding the expiration date of the license shall comply with both of the following:

(a) Possess current certification in basic or advanced cardiac life support from an agency or organization that grants certification pursuant to standards substantially equivalent to the standards adopted in R 338.11705(3).

(b) Complete at least 1 continuing education credit in pain and symptom management in each renewal period. Continuing education credits in pain and symptom management may include, but are not limited to, courses in behavior management, psychology of pain, pharmacology, behavior modification, stress management, clinical applications, and drug interactions.

(3) In addition to the requirements of subrule (2) of this rule, an applicant for a dentist license shall comply with all of the following:

(a) Complete not less than 60 hours of continuing education approved by the board during the 3-year period immediately preceding the application for renewal.

(b) Complete a minimum of 20 hours of the 60 hours required of approved continuing education in programs directly related to clinical issues such as delivery of care, materials used in delivery of care, and pharmacology.

(c) Complete a minimum of 20 hours of the required 60 hours of approved continuing education by attending live courses or programs that provide for direct interaction between faculty and participants, including, but not limited to, lectures, symposia, live teleconferences, workshops, and participation in volunteer clinical services provided for in R 338.11703(o). These courses, with the exception of the volunteer clinical services, may be counted toward the required courses in clinical issues such as delivery of care, materials used in delivery of care, and pharmacology.

(4) In addition to the requirements of subrules (2) and (3) of this rule, a dental specialist shall complete 20 hours of the 60 required board-approved continuing education hours in the dental specialty field in which he or she is certified within the 3-year period immediately preceding the renewal application.

(5) In addition to the requirements of subrule (2) of this rule, an applicant for a special retired dentist license shall comply with all of the following:

(a) Complete not less than 40 hours of continuing education acceptable to the board during the 3-year period immediately preceding the date of the application.

(b) Complete a minimum of 14 hours of the required 40 hours of approved continuing education in programs directly related to clinical issues such as delivery of care, materials used in delivery of care, and pharmacology.

(c) Complete a minimum of 14 hours of the required 40 hours of approved continuing education by attending live courses or programs that provide for direct interaction between faculty and participants, including but not limited to, lectures, symposia, live teleconferences, workshops, and providing volunteer clinical services provided for in R 338.11703(o). These courses, with the exception of the volunteer clinical services, may be counted toward the required courses in clinical issues such as delivery of care, materials used in delivery of care, and pharmacology.

(d) Comply with the conditions for renewal in section 16184(2) of the code, MCL 333.16184(2).

(6) The submission of the online renewal shall constitute the applicant's certification of compliance with the requirements of this rule. The board may require an applicant or a licensee to submit evidence to demonstrate compliance with this rule. The applicant or licensee shall maintain evidence of complying with the requirements of this rule for a period of 4 years from the date of the submission for renewal.

R 338.11703 Acceptable continuing education for dentists; limitations.

Rule 1703. The board shall consider any of the following as acceptable continuing education for dentists:

(a) Successful completion of a course or courses offered for credit in a dental school or a hospital-based dental specialty program approved by the board pursuant to R 338.11301, a dental hygiene school approved by the board pursuant to R 338.11303, or a dental assisting school approved by the board pursuant to R 338.11307. Ten hours of continuing education shall be credited for each quarter credit earned and 15 hours shall be credited for each semester credit earned, without limitation.

(b) Satisfactory participation for a minimum of 7 months in a postgraduate dental clinical training program in a hospital or institution that is approved by the board under R 338.11301. A maximum of 20 credit hours per calendar year may be earned for participation.

(c) Attendance at a continuing education program offered by a dental school or a hospital-based dental specialty program approved by the board pursuant to R 338.11301, a dental hygiene school approved by the board pursuant to R 338.11303, or a dental assisting school approved by the board under R 338.11307. One hour of continuing education shall be credited for each hour of program attendance, without limitation.

(d) Attendance at a continuing education program approved by the board under R 338.11705. One hour of continuing education shall be credited for each hour of program attendance, without limitation.

(e) Development and presentation of a table clinical demonstration or a continuing education lecture offered in conjunction with the presentation of continuing education programs approved by the board. One hour of continuing education shall be credited for each hour devoted to the development and initial presentation of a table clinical demonstration or a continuing education lecture, with a maximum of 10 hours of continuing education credited for the development and presentation of the same table clinical demonstration or lecture.

(f) The initial publication of an article or articles related to the practice of dentistry, dental hygiene, or dental assisting in the journal of an accredited school of dentistry, dental hygiene, or dental assisting or a state or state component association of dentists, dental specialists, dental hygienists, or dental assistants. Twelve hours of continuing education shall be credited.

(g) The initial publication of an article or articles related to the practice of dentistry, dental hygiene, or dental assisting in a textbook or in the journal of a national association of dentists, dental specialists, dental hygienists, or dental assistants. Twenty-five hours of continuing education shall be credited.

(h) Reading articles, viewing, or listening to media, other than online programs, devoted to dental, dental hygiene, or dental assisting education. One hour of continuing education shall be credited for each hour devoted to such education, with a maximum of 10 hours credited under this category.

(i) Participation in board-approved, continuing education activities offered online, through electronic media, or both. A maximum of 30 hours of continuing education may be earned.

(j) Successful completion of an American board specialty examination. Ten hours of continuing education shall be credited in the year in which the applicant is advised he or she passed the examination.

(k) Renewal of a license held in another state that requires continuing education for license renewal that is substantially equivalent to that required in these rules if the applicant resides and practices in another state. For a dentist, 60 hours of continuing education shall be credited for evidence of current licensure in another state.

(l) Attendance at a continuing education program which has been granted approval by another state board of dentistry. One continuing education hour may be granted for each hour of program attendance.

(m) Attendance at dental-related programs which shall be documented by the licensee as relevant to health care and advancement of the licensee's dental education. The board shall deny a request for approval if the continuing education request does not meet the criteria used by the board for approval of continuing education hours. Ten hours of continuing education shall be credited.

(n) Attendance at programs related to topics approved for category 1 continuing education by the boards of medicine or osteopathic medicine. A maximum of 30 credit hours per renewal period for a dentist may be earned.

(o) Dentists and retired volunteer dentists may receive continuing education credit for providing volunteer clinical dental services within this state as provided in this rule.

(i) A dentist or retired volunteer dentist may provide volunteer clinical care at a board-approved program that complies with both of the following:

(A) Is a public or non-profit entity, program, or event, or a school or nursing home.

(B) Provides clinical dental services to the indigent or dentally underserved populations.

(ii) A licensee shall not receive direct or indirect remuneration of any kind, including, but not limited to, remuneration for materials purchased or used.

(iii) The program shall require a licensee to sign in and sign out daily upon commencement and termination of the provision of services.

(iv) Continuing education credit shall be calculated at the ratio of 1 continuing education credit hour for each 120 minutes of patient services.

(v) A dentist may earn a maximum of 20 volunteer credit hours per renewal period. A retired volunteer dentist may earn a maximum of 26 volunteer credit hours per renewal period.

(vi) Board-approved sponsors that provide volunteer continuing education opportunities under this rule shall comply with all of the following:

(A) Apply to the department to obtain approval as a sponsoring entity, pursuant to R 338.11705(7).

(B) Retain patient records.

(C) Retain documentation of all volunteer assignments and the hours of service provided.

(D) Provide the records and a copy of the assignments and the hours of service provided to the board upon request.

(E) Provide each licensee with verification of volunteer work performed by the licensee upon completion of the licensee's service.

- (vii) The board may revoke the approval status of any entity that fails to comply with these rules.
- (viii) A licensee who is employed by an entity that provides dental services to the indigent or dentally underserved populations may not obtain credit for volunteer services at the entity at which the licensee is employed, but may receive credit for qualified volunteer services at other approved entities.
- (ix) A dentist or retired volunteer dentist who provides volunteer clinical dental services shall maintain proof of these services for at least 4 years.
- (x) A licensee who fails to maintain accurate and complete records of services rendered may not receive continuing education credit for those services.
- (xi) A licensee under a board order or agreement that provides for the provision of volunteer services may not receive continuing education credit for the provision of the volunteer services.
- (xii) A dentist with a specialty license issued from this state shall limit volunteer clinical dental services to the specialty area in which the dentist is licensed.
- (xiii) Continuing education credit hours earned through volunteer clinical work shall not count toward the required 20 continuing education hours for dentists or 14 continuing education hours for retired volunteer dentists on clinical issues such as delivery of care, materials used in the delivery of care, and pharmacology, or the 1 continuing education hour required for pain management, as required by R 338.11701(2).

R 338.11704 License renewal for registered dental hygienists and registered dental assistants; requirements; applicability.

Rule 1704. (1) This rule applies to applications for the renewal of a registered dental hygienist license or a registered dental assistant license under section 16201(1) and (2) of the code, MCL 333.16201(1) and (2).

(2) An applicant for license renewal who has been licensed for the 3-year period immediately preceding the expiration date of the license shall possess current certification in basic or advanced cardiac life support for an agency or organization that grants certification pursuant to standards substantially equivalent to the standards adopted in R 338.11705(3) and shall comply with the following requirements, as applicable:

(a) For a registered dental hygienist license or a registered dental assistant license, the applicant shall have completed not less than 36 hours of continuing education acceptable to the board during the 3-year period immediately preceding the date of the application. Each licensee shall complete a minimum of 12 hours of the required 36 hours of approved continuing education in programs directly related to clinical issues such as delivery of care, materials used in the delivery of care, and pharmacology.

(b) For a registered dental hygienist license or a registered dental assistant license, the applicant shall complete a minimum of 12 hours of the required 36 hours of approved continuing education by attending live courses or programs that provide for direct interaction between faculty and participants, including, but not limited to, lectures, symposia, live teleconferences, workshops and provision of volunteer clinical services provided for in R 338.11704a. These courses, with the exception of the volunteer clinical services, may be counted toward the required courses in clinical issues such as delivery of care, materials used in delivery of care, and pharmacology.

(c) Applicants holding both a registered dental hygienist license and a registered dental assistants license shall have completed not less than a total of 36 hours of continuing education acceptable to the board during the 3-year period immediately preceding the date of the application. The 36 hours shall include not less than 12 hours devoted to registered dental hygienist functions, and not less than 12 hours devoted to registered dental assistants functions.

(d) If an organized continuation course or program is offered in segments of 50 to 60 minutes each, 1 hour of credit shall be given for each segment.

(e) Each licensee shall complete at least 1 continuing education credit in pain and symptom management in each renewal period. Continuing education credits in pain and symptom management may include, but are not limited to, courses in behavior management, psychology of pain, pharmacology, behavior modification, stress management, clinical applications, and drug interactions.

(3) The submission of the online renewal shall constitute the applicant's certification of compliance required by this rule. The board may require an applicant or licensee to submit evidence to demonstrate compliance with this rule. The applicant or licensee shall maintain evidence of complying with the requirements of this rule for a period of 4 years from the date of the submission for renewal.

R 338.11704a Acceptable continuing education for registered dental hygienists and registered dental assistants; limitations.

Rule 1704a. The board shall consider any of the following as acceptable continuing education for registered dental hygienists and registered dental assistants:

(a) Successful completion of a course or courses offered for credit in a dental school or hospital-based dental specialty program approved by the board under R 338.11301, a dental hygiene school approved by the board under R 338.11303, or a dental assisting school approved by the board under of R 338.11307. Ten hours of continuing education shall be credited for each quarter credit earned and 15 hours shall be credited for each semester credit earned, without limitation.

(b) Attendance at a continuing education program offered by a dental school or hospital-based dental specialty program approved by the board under R 338.11301, a dental hygiene school approved by the board under R 338.11303, or a dental assisting school approved by the board under R 338.11307. One hour of continuing education shall be credited for each hour of program attendance, without limitation.

(c) Attendance at a continuing education program approved by the board under R 338.11705. One hour of continuing education shall be credited for each hour of program attendance, without limitation.

(d) Development and presentation of a table clinic demonstration or a continuing education lecture offered in conjunction with the presentation of continuing education programs approved by the board. One hour of continuing education shall be credited for each hour devoted to the development and initial presentation of a table clinic demonstration or a continuing education lecture, with a maximum of 10 hours of continuing education credited for the development and presentation of the same table clinic demonstration or continuing education lecture.

(e) The initial publication of an article or articles related to the practice of dentistry, dental hygiene, or dental assisting in the journal of an accredited school of dentistry, dental hygiene, or dental assistant, or in a state or state component association of dentists, dental specialists, dental hygienists, or dental assistants. Twelve hours of continuing education shall be credited.

(f) The initial publication of an article or articles related to the practice of dentistry, dental hygiene, or dental assisting in a textbook or in the journal of a national association of dentists, dental specialists, dental hygienists, or dental assistants. Twenty-five hours of continuing education shall be credited.

(g) Participation in board-approved, continuing education activities offered online, through electronic media, or both. A maximum of 18 hours of continuing education may be earned.

(h) Reading articles and viewing or listening to media, other than online programs, devoted to dental, dental hygiene, or dental assisting education. One hour of continuing education shall be credited for each hour of participation with a maximum of 10 hours credited under this category.

(i) Renewal of a license held in another state that requires continuing education for license renewal that is substantially equivalent to that required in these rules if the applicant resides and practices in another

state. For a registered dental hygienist or registered dental assistant, 36 hours of continuing education shall be credited for evidence of current licensure in such other state.

(j) For a registered dental assistant, meeting the requirements for recertification in R 338.11705(3). Thirty-six hours of continuing education shall be credited for evidence of current certification, other than emeritus certification, by the dental assisting national board.

(k) Attendance at a continuing education program which has been granted approval by another state board of dentistry. One continuing education contact hour may be granted for each hour of program attendance.

(l) Attendance by dental hygienists or registered dental assistants at dental related programs which are documented by the licensee as relevant to health care and advancement of the licensee's dental education. The board shall deny a request for approval if the continuing education request does not meet the criteria used by the board for approval of continuing education sponsors. Six hours of continuing education credited.

(m) Attendance at programs related to specific dental specialty topics approved for category 1 continuing education by the boards of medicine or osteopathic medicine. A maximum of 18 credit hours per renewal period may be earned.

(n) Dental hygienists and dental assistants may receive continuing education credit for providing volunteer clinical dental hygiene or assistant services within the state as provided in this rule.

(i) A dental hygienist or dental assistant may provide volunteer clinical care at a board-approved program that complies with both of the following:

(a) Is a public or non-profit entity, program, or event, or a school or nursing home.

(b) Provides clinical dental services to the indigent or dentally underserved populations.

(ii) A licensee shall not receive direct or indirect remuneration of any kind, including, but not limited to, remuneration for materials purchased or used.

(iii) The program shall require a licensee to sign in and sign out daily upon commencement and termination of the provision of services.

(iv) Continuing education credit shall be calculated at the ratio of 1 continuing education credit hour for each 120 minutes of patient services.

(v) A dental hygienist or dental assistant may earn a maximum of 12 volunteer credit hours per renewal period.

(vi) Board-approved sponsors that provide volunteer continuing education opportunities under this rule shall comply with all of the following:

(a) Apply to the department to obtain approval as a sponsoring entity, pursuant to R 338.11705(7).

(b) Retain patient records.

(c) Retain documentation of all volunteer assignments and the hours of service provided.

(d) Provide the records and a copy of the assignments and the hours of service provided to the board upon request.

(e) Provide each licensee with verification of volunteer work performed by the licensee upon completion of the licensee's service.

(vii) The board may revoke the approval status of any entity that fails to comply with these rules.

(viii) A licensee who is employed by an entity that provides dental services to the indigent or dentally underserved populations may not obtain credit for volunteer services at the entity at which the licensee is employed, but may receive credit for qualified volunteer services at other approved entities.

(ix) A licensee who provides volunteer dental services shall maintain proof of such services for at least 4 years.

(x) A licensee who fails to maintain accurate and complete records of services rendered may not receive continuing education credit for those services.

(xi) A licensee under a board order or agreement that provides for the provision of volunteer services may not receive continuing education credit for the provision of the volunteer services.

(xii) Continuing education credit hours earned through volunteer clinical work shall not count toward the required 12 continuing education hours on clinical issues such as delivery of care, materials used in the delivery of care, and pharmacology, or the 1 continuing education hour required for pain management, as required by R 338.11704(2).

R 338.11705 Standards and requirements; adoption by reference.

Rule 1705. (1) The board approves and adopts by reference the standards and criteria of the national sponsor approval program of the academy of general dentistry for approval of continuing education sponsoring organizations, institutions, and individuals, which are set forth in the publication entitled "Program Approval for Continuing Education (PACE), Program Guidelines, Revised April 2013." Information on the pace standards and criteria is available at no cost from the Academy of General Dentistry, 211 East Chicago Avenue, Suite 900, Chicago, IL 60611 or from the academy's internet website at <http://www.agd.org>. A copy of the guidebook is available for inspection and distribution at no cost from the Michigan Department of Licensing and Regulatory Affairs, Bureau of Health Care Services, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909. Approval of a sponsor by the academy of general dentistry committee on national sponsor approvals or by any academy of general dentistry constituent academy shall constitute prima facie evidence that the sponsor meets the standards and criteria adopted by the board.

(2) The board approves and adopts by reference the standards and criteria of the National Sponsor Approval Program of the American Dental Association Continuing Education Recognition Program (ADA CERP) for approval of continuing education sponsoring organizations, which are set forth in the publication entitled "ADA CERP Recognition Standards, Procedures, and Recognition Process. Revised 2013." A copy of this publication may be obtained at no cost from the association at ADA CERP 211 E. Chicago Avenue, Chicago, IL 60611-2678 or from the association's internet website at <http://www.ada.org/381.aspx>. A copy of the publication is available for inspection and distribution at cost from the Department of Licensing and Regulatory Affairs, Bureau of Health Care Services, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909. Approval of a sponsor by the ADA CERP or by any constituent group of ADA CERP shall constitute prima facie evidence that the sponsor meets the standards and criteria adopted by the board.

(3) The board approves and adopts by reference the requirements for recertification established by the dental assisting national board and set forth in the publication entitled "DANB's 2013 Recertification Requirements." A copy of the publication may be obtained at no cost from the Dental Assisting National Board, 444 N. Michigan Avenue, Suite 900, Chicago, IL 60611 or from the national board's internet website at <http://www.danb.org>. A copy of the guidelines and requirements are available for inspection and distribution at cost from the Department of Licensing and Regulatory Affairs, Bureau of Health Care Services, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.

(4) The board shall consider any continuing education program that is offered by a sponsor that applies to the board and demonstrates it substantially meets the standards and criteria adopted by the board as a continuing education program approved by the board.

(5) The board adopts by reference the standards for certification in basic and advanced cardiac life support set forth by the American heart association in the standards and guidelines for cardiopulmonary resuscitation and emergency cardiac care for professional providers and published in "2010 American Heart Association Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiovascular Care ("Circulation," Volume 122, Issue 18 Supplement 3, 2, 2010.) A copy of the guidelines for

cardiopulmonary resuscitation and emergency cardiovascular care may be obtained at no cost from the American Heart Association's website at http://circ.ahajournals.org/content/122/18_suppl_3. A copy of this document is available for inspection and distribution at cost from the Department of Licensing and Regulatory Affairs, Bureau of Health Care Services, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.

(6) The board may approve a state, regional, or national dental organization as an acceptable provider of continuing education courses if the organization presents standards, criteria, and course monitoring procedures for its courses that are acceptable to the board. The board may withdraw the approval if it determines the organization is not complying with the standards and criteria presented. The standards, criteria, and monitoring procedures will be retained in the department's board files. An organization shall update its file with the department every 5 years.

(7) A sponsor seeking board approval to offer volunteer continuing education opportunities under R 338.11703(o) or R 338.11704a(n), or both, shall submit documentation evidencing compliance with the requirements of R 338.11703(o) or R 338.11704a(n), or both.

ADMINISTRATIVE RULES

MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

BUREAU OF FIRE SERVICES

STORAGE TANK DIVISION

STORAGE AND HANDLING OF FLAMMABLE AND COMBUSTIBLE LIQUIDS

Filed with the Secretary of State on October 6, 2014

These rules take effect 7 days after filing with the Secretary of State.

(By authority conferred on the Michigan Department of Licensing and Regulatory Affairs by Section 3c of 1941 PA 207, MCL 29.3c, and Executive Reorganization Order Nos. 1998-2, 2012-7, MCL 29.461 and 29.462)

R 29.5101, R 29.5102, R 29.5103, R 29.5104, R 29.5105, R 29.5201, R 29.5202, R 29.5203, R 29.5204, R 29.5205, R 29.5206, R 29.5207, R 29.5208, R 29.5209, R 29.5210, R 29.5211, R 29.5212, R 29.5213, R 29.5214, R 29.5215, R 29.5216, R 29.5217, R 29.5218, R 29.5219, R 29.5220, R 29.5221, R 29.5222, R 29.5223, R 29.5224, R 29.5225, R 29.5226, R 29.5227, R 29.5228, R 29.5229, R 29.5230, R 29.5231, R 29.5232, R 29.5233, R 29.5234, R 29.5235, R 29.5236, R 29.5237, R 29.5238, R 29.5239, R 29.5240, R 29.5241, R 29.5242, R 29.5243, R 29.5244, R 29.5245, R 29.5246, R 29.5247, R 29.5248, R 29.5249, R 29.5250, R 29.5251, R 29.5252, R 29.5253, R 29.5254, R 29.5255, R 29.5301, R 29.5302, R 29.5303, R 29.5304, R 29.5305, R 29.5306, R 29.5307, R 29.5308, R 29.5309, R 29.5310, R 29.5311, R 29.5312, R 29.5313, R 29.5314, R 29.5315, R 29.5316, R 29.5317, R 29.5318, R 29.5319, R 29.5320, R 29.5321, R 29.5322, R 29.5323, R 29.5324, R 29.5325, R 29.5326, R 29.5327, R 29.5328, R 29.5329, R 29.5330, R 29.5331, R 29.5332, R 29.5333, R 29.5334, R 29.5335, R 29.5336, R 29.5337, R 29.5338, R 29.5339, R 29.5340, R 29.5341, R 29.5401, R 29.5402, R 29.5403, R 29.5404, R 29.5405, R 29.5406, R 29.5407, R 29.5408, R 29.5409, R 29.5410, R 29.5411, R 29.5412, R 29.5413, R 29.5414, R 29.5415, R 29.5416, R 29.5417, R 29.5418, R 29.5419, R 29.5501, R 29.5502, R 29.5503, R 29.5504, R 29.5505, R 29.5506, R 29.5507, R 29.5508, R 29.5509, R 29.5510, R 29.5511, R 29.5512, R 29.5513, R 29.5514, R 29.5515, R 29.5516, of the Michigan Administrative Code are rescinded and R 29.5601, R 29.5602, R 29.5603, R 29.5604, R 29.5605, R 29.5651, R 29.5652, R 29.5653, R 29.5654, R 29.5655, R 29.5656, R 29.5657, R 29.5658, R 29.5659, R 29.5660, R 29.5661, R 29.5662, R 29.5663, R 29.5664, R 29.5701, R 29.5702, R 29.5703, R 29.5704, R 29.5705, R 29.5706, R 29.5707, R 29.5708, R 29.5709, R 29.5801, R 29.5802, R 29.5803, R 29.5804, R 29.5805, R 29.5806, R 29.5807, R 29.5808, R 29.5809, R 29.5810, R 29.5811, R 29.5812, R 29.5813, R 29.5814, R 29.5815, R 29.5816, R 29.5901, R 29.5902, R 29.5903, R 29.5904, R 29.5905, R 29.5906, R 29.5907, R 29.5908, R 29.5909, R 29.5910, R 29.5911, R 29.5912, R 29.5913, R 29.5914, R 29.5915, R 29.5916, and R 29.5917 are added as follows:

PART 1. GENERAL PROVISIONS

R 29.5101 Rescinded.

R 29.5102 Rescinded.

R 29.5103 Rescinded.

R 29.5104 Rescinded.

R 29.5105 Rescinded.

R 29.5601 Applicability.

Rule 601. These rules apply to the storage and handling of flammable and combustible liquids (FL/CL) as specified in parts 2 to 5 of these rules. Compliance with these rules does not excuse compliance with other applicable state and federal statutes and rules and regulations.

R 29.5602 Flammable and combustible liquids (FL/CL) code; adoption by reference.

Rule 602. The provisions of the National Fire Protection Association (NFPA) pamphlet number 30, 2012 edition, entitled “Flammable and Combustible Liquids (FL/CL) Code,” referred to in part 2 of these rules, are adopted by reference. Copies of the adopted NFPA 30 are available for inspection and distribution either at the office of the Bureau of Fire Services, Storage Tank Division, 3101 Technology Boulevard, Lansing, Michigan 48910, or from the National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, Massachusetts, 02269-9101. The cost of NFPA 30, as of the time of adoption of these rules, is \$52.50 per copy.

R 29.5603 Code for motor fuel dispensing facilities and repair garages; adoption by reference.

Rule 603. The provisions of the National Fire Protection Association (NFPA) pamphlet number 30A, 2012 edition, entitled, “Code for Motor Fuel Dispensing Facilities and Repair Garages,” referred to in part 3 of these rules, is adopted by reference. Copies of the adopted NFPA 30A are available for inspection and distribution either at the office of the Bureau of Fire Services, Storage Tank Division, 3101 Technology Boulevard, Lansing, Michigan 48910, or from the National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, Massachusetts, 02269-9101. The cost of NFPA 30A, as of the time of adoption of these rules, is \$40.50 per copy.

R 29.5604 Standard for installation of oil-burning equipment; adoption by reference.

Rule 604. The provisions of the National Fire Protection Association (NFPA) pamphlet number 31, 2011 edition, entitled “Standard for the Installation of Oil-Burning Equipment,” referred to in part 4 of these rules, are adopted by reference. Copies of the adopted NFPA 31 are available for inspection and distribution either at the office of the Bureau of Fire Services, Storage Tank Division, 3101 Technology Boulevard, Lansing, Michigan 48910, or from the National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, Massachusetts, 02269-9101. The cost of NFPA 31, as of the time of adoption of these rules, is \$44.50 per copy.

R 29.5605 Standard for installation and use of stationary combustion engines and gas turbines; adoption by reference.

Rule 605. The provisions of the National Fire Protection Association (NFPA) pamphlet number 37, 2010 edition, entitled “Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines,” referred to in part 5 of these rules, are adopted by reference. Copies of the adopted NFPA 37 are available for inspection and distribution either at the office of the Bureau of Fire Services, Storage Tank Division, 3101 Technology Boulevard, Lansing, Michigan 48910, or from the National Fire

Protection Association (NFPA), 1 Batterymarch Park, Quincy, Massachusetts, 02269-9101. The cost of NFPA 37, as of the time of adoption of these rules, is \$40.50 per copy.

PART 2. AMENDMENTS TO FLAMMABLE AND COMBUSTIBLE LIQUIDS (FL/CL) CODE

R 29.5201 Rescinded.

R 29.5202 Rescinded.

R 29.5203 Rescinded.

R 29.5204 Rescinded.

R 29.5205 Rescinded.

R 29.5206 Rescinded.

R 29.5207 Rescinded.

R 29.5208 Rescinded.

R 29.5209 Rescinded.

R 29.5210 Rescinded.

R 29.5211 Rescinded.

R 29.5212 Rescinded.

R 29.5213 Rescinded.

R 29.5214 Rescinded.

R 29.5215 Rescinded.

R 29.5216 Rescinded.

R 29.5217 Rescinded.

R 29.5218 Rescinded

R 29.5219 Rescinded.

R 29.5220 Rescinded.

R 29.5221 Rescinded.

R 29.5222 Rescinded.

R 29.5223 Rescinded.

R 29.5224 Rescinded.

R 29.5225 Rescinded.

R 29.5226 Rescinded.

R 29.5227 Rescinded.

R 29.5228 Rescinded.

R 29.5229 Rescinded.

R 29.5230 Rescinded.

R 29.5231 Rescinded.

R 29.5232 Rescinded.

R 29.5233 Rescinded.

R 29.5234 Rescinded.

R 29.5235 Rescinded.

R 29.5236 Rescinded.

R 29.5237 Rescinded.

R 29.5238 Rescinded.

R 29.5239 Rescinded.

R 29.5240 Rescinded.

R 29.5241 Rescinded.

R 29.5242 Rescinded.

R 29.5243 Rescinded.

R 29.5244 Rescinded.

R 29.5245 Rescinded.

R 29.5246 Rescinded.

R 29.5247 Rescinded.

R 29.5248 Rescinded.

R 29.5249 Rescinded.

R 29.5250 Rescinded.

R 29.5251 Rescinded.

R 29.5252 Rescinded.

R 29.5253 Rescinded.

R 29.5254 Rescinded.

R 29.5255 Rescinded.

R 29.5651 Scope.

Rule 651. Sections 1.1.2(10), 1.1.2(11), 1.1.2(12), and 1.1.2(13) are added to the FL/CL code as follows:

1.1.2 (10) Any portion of a new or existing stationary fire pump system where the requirements of part 2 conflict with the requirements of NFPA 20.

1.1.2 (11) Storage and handling of Class IIIb liquids.

1.1.2 (12) Flow-through process tanks.

1.1.2 (13) Oil and gas operations utilized for the purpose of exploration, development, operation, and abandonment of hydrocarbon resources regulated under part 615, supervisor of wells, of the natural resources and environmental protection act, 1994 PA 451, MCL 324.61501 to 324.61527. Part 615 does not regulate crude petroleum collection tanks that do not receive crude petroleum directly from a wellhead through a pipeline system.

R 29.5652 Equivalency.

Rule 652. Sections 1.5.2(a) and 1.5.2(b) are added to the FL/CL code, and section 1.5.3 of the FL/CL code is adopted with changes as follows:

1.5.2(a) An owner or operator may apply for a variance to the rules by applying to the bureau with a satisfactory explanation as to why compliance is not possible. The bureau may approve a variance upon finding that the variance is based on the best interests of public health, safety, welfare, and property and the environment.

1.5.2(b) A person aggrieved by a final decision of the bureau on a request for variance may appeal to the circuit court within 21 days of the decision.

1.5.3(3) Part 3 of these rules.

1.5.3(4) Part 4 of these rules.

1.5.3(10) Part 5 of these rules.

R 29.5653 Prohibitions.

Rule 653. Section 1.7 of the FL/CL code is adopted with the following changes and sections 1.7.1, 1.7.2, 1.7.3, 1.7.4, 1.7.4.1, 1.7.4.1.1, 1.7.4.1.2, 1.7.4.1.3, and 1.7.5 are added to the FL/CL code as follows:

1.7 Prohibitions.

1.7.1 Upon notification by the bureau a person shall not deliver any liquid into a storage tank system under any circumstances that are prohibited by these rules or if a tank is not in compliance with these rules. The notification may include verbal or written communication or an affixed written notification on the storage tank system.

1.7.2 A person shall not tamper with, remove, or disregard written notification affixed to the storage tank system.

1.7.3 A storage tank system or practice that is not in compliance with these rules is in violation of these rules.

1.7.4 An owner or operator shall not continue to use a storage tank system that is causing a release and shall expeditiously empty the system or the component that is causing the release until the system is repaired or replaced, pursuant to these rules.

1.7.4.1 A leak from the primary tank into the interstice of a new or existing secondary containment tank is not considered a release requiring that the secondary containment tank be emptied, provided all of the following are met:

1.7.4.1.1 The secondary containment tank is repaired, replaced, or permanently closed within 6 months of discovery of the release.

1.7.4.1.2 Temporary or permanent liquid tight spill control is provided for the secondary containment tank within 7 days of discovery of the release to the secondary containment tank interstice.

1.7.4.1.3 There is no release from the outer shell of the secondary containment tank.

1.7.5 The bureau may order, at the expense of the owner, a tightness test of the storage tank system when there is reason to believe that the integrity of the storage tank system is compromised.

R 29.5654 Permits.

Rule 654. Section 1.8 of the FL/CL code is adopted with the following changes and sections 1.8.1, 1.8.2, 1.8.3, 1.8.4, and 1.8.5 are added to the FL/CL code as follows:

1.8 Permits.

1.8.1 For installations, where individual storage capacity is more than 1,100 gallons (4,180 liters), an owner or owner's designee shall submit an application for plan review to the bureau not less than 30 days before the installation of an aboveground storage tank system. Tanks with storage capacity of 1,100 gallons or less shall comply with these rules but are not required to submit an application for plan review and are not required to be certified.

1.8.2 The installation application shall include a plot map that shows all of the following information:

- (a) The locations of buildings, public roadways, railroad mainlines, and power lines.
- (b) Storm sewers, sanitary sewers, manholes, and catch basins.
- (c) The proposed locations of tanks and buildings.
- (d) The location of property lines.
- (e) The location of existing tanks, aboveground and underground, within 50 feet (15 meters) of the installation.
- (f) The material of construction, the dimension, and the capacity of each tank.
- (g) The class of liquid stored.
- (h) The type of venting and pressure relief.
- (i) The method of spill control provided.

1.8.3 The bureau shall issue a plan review report within 30 days of the receipt. If the report is not issued within 30 days, the installation may be constructed according to the submitted plans and comply with these rules.

1.8.4 Upon completion of the installation, the owner or designee shall notify the bureau not fewer than 7 calendar days before the installation is placed in service. The bureau shall inspect the installation following the receipt of notification and shall certify the installation if the requirements of these rules have been met. If the inspection is not made within 7 calendar days of receipt of notification, the installation may be placed in service and a notarized affidavit shall be submitted to the bureau attesting to the fact that the installation complies with the plans submitted and applicable rules.

1.8.5 Upon request, all plans and specifications that are submitted to the bureau for review shall be returned after the bureau has certified the installation or within 30 working days after notification to the authority having jurisdiction of the completion of the installation. Plans and specifications may be marked “confidential – do not copy” when they are submitted.

R 29.5655 Referenced publications.

Rule 655. NFPA publications. Section 2.2 is adopted with the following addition:

NFPA 20, Standard for the Installation of Stationary Pumps for Fire Protection, 2013 edition.

R 29.5656 STI publications.

Rule 656. Section 2.3.8 of the FL/CL code is adopted with the following changes:

2.3.8 STI Publications. Steel Tank Institute, Division of STI/SPFA, 944 Donata Court, Lake Zurich, IL 60047.

STI SP001, Standard for the Inspection of Aboveground Storage Tanks, 2011.

R 29.5657 Definitions.

Rule 657. General. Sections 3.2.1 and 3.2.2 of the FL/CL code are adopted with the following changes and sections 3.1.1, 3.2.2(a), 3.3.21.1, 3.3.64, 3.3.65, and 3.3.66 are added to the FL/CL code:

3.1.1 Definitions in chapter 3 apply to existing and new storage tank installations.

R 29.5658 NFPA official definitions.

Rule 658. Sections 3.2.1 and 3.2.2 of the FL/CL code are adopted with the following changes and section 3.2.2(a) is added to the FL/CL code:

3.2.1 “Approved” means acceptable to the bureau.

3.2.2 “Authority having jurisdiction (AHJ)” means the bureau of fire services.

3.2.2(a) “Bureau” means bureau of fire services.

R 29.5659 General definitions.

Rule 659. Sections 3.3.21.1, 3.3.64, 3.3.65, and 3.3.66 are added to the FL/CL code:

3.3.21 “Flash point” means the minimum temperature of a liquid at which sufficient vapor is given off to form an ignitable mixture with the air, near the surface of the liquid or within the vessel used, as determined by the appropriate test procedure and apparatus specified in section 4.4.

3.3.21.1 “Flow-through process tank” means a tank that forms an integral part of a production process through which there is a steady, variable, recurring, or intermittent flow of materials during the operation of the process and the tank is utilized to carry out or control the heating, cooling, mixing, blending, separating, metering, or chemical action of materials. The processing is done on a regular basis and it is the primary function of the tank. A flow-through process tank does not include a tank that is used for the

storage of materials before its introduction into the production process or for the storage of finished products or byproducts from the production process or a tank that is only used to recirculate materials.

3.3.64 “Aboveground storage tank system (AST)” means a tank, or combination of tanks, including the pipes that are connected to the tank(s) or ancillary equipment containment systems, if any, that has less than 10% of its combined volume beneath the surface of the ground. The tank or tanks may presently be in use, or may have been used in the past, to contain an accumulation of liquids.

3.3.65 “Tank System” means an AST system or an UST system.

3.3.66 “Underground storage tank system (UST)” means a tank, or combination of tanks, including the underground pipes that are connected to the tank or tanks or underground ancillary equipment containment systems, if any, that has 10% or more of its combined volume beneath the surface of the ground. The tank or tanks may presently be in use, or may have been used in the past, to contain an accumulation of liquids.

R 29.5660 Testing requirements for tanks.

Rule 660. Section 21.5.1.5 is added to the FL/CL code as follows:

21.5.1.5 Testing of existing tanks may be performed pursuant to section 21.5, instead of R 29.5224 of these rules.

R 29.5661 Closure of aboveground storage tanks.

Rule 661. Section 21.7.4.1 of the FL/CL code is adopted with the following changes:

21.7.4.1 Closure of aboveground storage tanks. An owner or operator shall close tanks that have not been used for more than 12 months. To permanently close an aboveground storage tank that is no longer needed to store regulated substance, the owner or operator shall notify the department, not less than 30 days before the intended closure, on form BFS 3858 provided by the bureau. To permanently close an aboveground storage tank, the owner or operator shall empty and clean the tank of all liquid and sludge, render it vapor-free, and safeguard it against trespassing. Piping that is permanently removed from service shall be emptied of all liquids and sludge, be purged and capped, or be removed from the ground.

R 29.5662 Inspection and maintenance of storage tanks and storage tank appurtenances.

Rule 662. Section 21.8.1.1 is added to the FL/CL code as follows:

21.8.1.1 Inspection of existing tanks may be performed pursuant to section 21.8.1, instead of R 29.5221 and R 29.5231 of these rules.

R 29.5663 Inspection and maintenance of aboveground storage tanks.

Rule 663. Section 22.17.2.1 is added to the FL/CL code as follows:

22.17.2.1 Inspection of existing tanks may be performed pursuant to section 22.17.2, instead of R 29.5221 of these rules.

R 29.5664 Location of loading and unloading facilities.

Rule 664. Sections 28.4.2.1 and 28.4.2.2 are added to the FL/CL code as follows:

28.4.2.1 A fire protected tank or a tank in a vault is exempt from compliance with the separation distance requirements for the loading and unloading risers.

28.4.2.2 A tank which has a capacity of 3,000 gallons (11,340 liters) or less which is located 10 feet (3 meters) from any building, and which is provided with spill and audible overfill protection or other means acceptable to the bureau based on the best interests of public health, safety, and welfare and the environment, is exempt from compliance with the separation distance requirements for loading and unloading risers.

PART 3. AMENDMENTS TO THE CODE FOR MOTOR FUEL DISPENSING FACILITIES AND
REPAIR GARAGES

R 29.5301 Rescinded.

R 29.5302 Rescinded.

R 29.5303 Rescinded.

R 29.5304 Rescinded.

R 29.5305 Rescinded.

R 29.5306 Rescinded.

R 29.5307 Rescinded.

R 29.5308 Rescinded.

R 29.5309 Rescinded.

R 29.5310 Rescinded.

R 29.5311 Rescinded.

R 29.5312 Rescinded.

R 29.5313 Rescinded.

R 29.5314 Rescinded.

R 29.5315 Rescinded.

R 29.5316 Rescinded.

R 29.5317 Rescinded.

R 29.5318 Rescinded.

R 29.5319 Rescinded.

R 29.5320 Rescinded.

R 29.5321 Rescinded.

R 29.5322 Rescinded.

R 29.5323 Rescinded.

R 29.5324 Rescinded.

R 29.5325 Rescinded.

R 29.5326 Rescinded.

R 29.5327 Rescinded.

R 29.5328 Rescinded.

R 29.5329 Rescinded.

R 29.5330 Rescinded.

R 29.5331 Rescinded.

R 29.5332 Rescinded.

R 29.5333 Rescinded.

R 29.5334 Rescinded.

R 29.5335 Rescinded.

R 29.5336 Rescinded.

R 29.5337 Rescinded.

R 29.5338 Rescinded.

R 29.5339 Rescinded.

R 29.5340 Rescinded.

R 29.5341 Rescinded.

R 29.5701 Scope.

Rule 701. Sections 1.1.1.1 and 1.1.3 are added to the FL/CL code as follows:

1.1.1.1 This part does not apply to new or existing motor fuel dispensing facilities that are part of an automotive assembly process and dispense fuel exclusively during the assembly process.

1.1.3 All of the provisions of part 2 of these rules apply to this part.

R 29.5702 Equivalency.

Rule 702. Sections 1.5.3 and 1.5.4 are added to the FL/CL code as follows:

1.5.3 An owner or operator may apply for a variance to the rules by applying to the bureau with a satisfactory explanation as to why compliance is not possible. The bureau may approve a variance upon finding that the variance is based on the best interests of public health, safety, welfare, and property and the environment.

1.5.4 A person aggrieved by a final decision of the bureau on a request for variance may appeal to the circuit court within 21 days of the decision.

R 29.5703 Prohibitions.

Rule 703. Sections 1.8, 1.8.1, 1.8.2, 1.8.3, 1.8.4, 1.8.4.1, 1.8.4.1.1, 1.8.4.1.2, 1.8.5 are added to the FL/CL code as follows:

1.8 Prohibitions.

1.8.1 Upon notification by the bureau a person shall not deliver any liquid into a storage tank system under any circumstances that are prohibited by these rules or if a tank is not in compliance with these rules. The notification may include verbal or written communication or an affixed written notification on the storage tank system.

1.8.2 A person shall not tamper with, remove, or disregard written notification affixed to the storage tank system.

1.8.3 Any storage tank system or practice that is not in compliance with these rules is in violation of these rules.

1.8.4 An owner or operator shall not continue to use a storage tank system that is causing a release and shall expeditiously empty the system or the component that is causing the release until the system is repaired or replaced, pursuant to these rules.

1.8.4.1 A leak from the primary tank into the interstice of a new or existing secondary containment tank is not considered a release requiring that the tank be emptied, provided all of the following are met:

1.8.4.1.1 The secondary containment tank is repaired, replaced, or permanently closed within 6 months of discovery of the release.

1.8.4.1.2 Temporary or permanent liquid tight spill control is provided for the secondary containment tank within 7 days of discovery of the release to the secondary containment tank interstice.

1.8.4.1.3 There is no release from the outer shell of the secondary containment tank.

1.8.5 The bureau may order, at the expense of the owner, a tightness test of the storage tank system when there is reason to believe that the integrity of the storage tank system is compromised.

R 29.5704 Application.

Rule 704. Sections 1.9 and 1.9.1 are added to the FL/CL code as follows:

1.9 Installation Application Submittal Requirements.

1.9.1 An aboveground storage tank system installation application shall meet the requirements of section 1.8 of part 2 of these rules.

R 29.5705 Definitions.

Rule 705. General. Section 3.1.1 of the FL/CL code is adopted with the following changes:

3.1.1 Definitions in chapter 3 apply to existing and new storage tank installations.

R 29.5706 NFPA official definitions.

Rule 706. Sections 3.2.1 and 3.2.2 of the FL/CL code are adopted with the following changes:

3.2.1 “Approved” means acceptable to the bureau.

3.2.2 “Authority having jurisdiction (AHJ)” means the bureau of fire services.

R 29.5707 General definitions.

Rule 707. Sections 3.3.11.6, and 3.3.15.1 of the FL/CL code are adopted with the following changes, and sections 3.3.15.4, 3.3.15.5, 3.3.19, 3.3.20, 3.3.20.1, and 3.3.20.2 are added to the FL/CL code as follows:

3.3.11.6 “Unattended self-service motor fuel dispensing facility” means a motor fuel dispensing facility that does not have an attendant or employee on duty. The customer or vehicle operator conducts the dispensing operation. This includes coin, currency, membership card, and credit card dispensing operations. Unattended self-service motor fuel dispensing facilities shall include those, new or existing, where access is limited by locked dispensers, security fencing, or other means to effectively prevent unauthorized access or dispensing.

3.3.15.1 “Aboveground storage tank (AST) system” means a tank or combination of tanks, including the pipes that are connected to the tank, tanks, or ancillary equipment containment systems, if any, which is, was, or may have been, used to contain an accumulation of liquids and which has less than 10% of its volume, including the volume of the underground pipes that are connected to the tank, or tanks, beneath the surface of the ground.

3.3.15.4 “Tank system” means an AST system or an UST system.

3.3.15.5 “Underground storage tank (UST) system” means a tank or combination of tanks including the underground pipes that are connected to the tank or tanks or underground ancillary equipment containment system, if any, which is, was, or may have been, used to contain an accumulation of liquids and which has 10% or more of its volume, including the volume of the underground pipes that are connected to the tank or tanks, beneath the surface of the ground.

3.3.19 “Bureau” means bureau of fire services.

3.3.20 “Building” means any structure used or intended for supporting or sheltering any use or occupancy.

3.3.20.1 “Important building” means a building that is considered not expendable in an exposure fire.

3.3.20.2 “Storage tank building” means a 3-dimensional space that is enclosed by a roof and walls that cover more than 1/2 of the possible area of the sides of the space, is of sufficient size to allow entry by personnel, will likely limit the dissipation of heat or dispersion of vapors, and restricts access for fire fighting.

R 29.5708 Aboveground storage tanks.

Rule 708. Section 4.3.2.6.1 is added to the FL/CL code as follows:

4.3.2.6.1 A minimum separation is not required for a listed secondary containment tank which is 4,000 gallons (15,120 liters) or less and which has a 64 inch (162.6 centimeters) nominal diameter or smaller.

R 29.5709 General construction requirements.

Rule 709. Section 7.4.2 of the FL/CL code is adopted with the following changes:

7.4.2 General construction requirements. In major repair garages, where CNG, LNG, hydrogen or LPG fueled vehicles are repaired, all applicable requirements of R 29.4601 to R 29.4652, R 29.7001 to R 29.7127, or R 29.6001 to R 29.6097 shall be met.

PART 4. AMENDMENTS TO THE STANDARD FOR THE INSTALLATION OF OIL-BURNING EQUIPMENT

R 29.5401 Rescinded.

R 29.5402 Rescinded.

R 29.5403 Rescinded.

R 29.5404 Rescinded.

R 29.5405 Rescinded.

R 29.5406 Rescinded.

R 29.5407 Rescinded.

R 29.5408 Rescinded.

R 29.5409 Rescinded.

R 29.5410 Rescinded.

R 29.5411 Rescinded.

R 29.5412 Rescinded.

R 29.5413 Rescinded.

R 29.5414 Rescinded.

R 29.5415 Rescinded.

R 29.5416 Rescinded.

R 29.5417 Rescinded.

R 29.5418 Rescinded.

R 29.5419 Rescinded.

R 29.5801 Scope.

Rule 801. Section 1.1.6 is added to the FL/CL code as follows:

1.1.6 All of the provisions of part 2 of these rules apply to this part.

R 29.5802 Equivalency.

Rule 802. Sections 1.5.3 and 1.5.4 are added to the FL/CL code as follows:

1.5.3 An owner or operator may apply for a variance to the rules by applying to the bureau with a satisfactory explanation as to why compliance is not possible. The bureau may approve a variance upon finding that the variance is based on the best interests of public health, safety, welfare, and property and the environment.

1.5.4 A person aggrieved by a final decision of the bureau on a request for variance may appeal to the circuit court within 21 days of the decision.

R 29.5803 Application.

Rule 803. Section 1.7 of the FL/CL code is adopted with the following changes and section 1.7.1 is added to the FL/CL code as follows:

1.7 Installation application submittal requirements.

1.7.1 An aboveground storage tank system installation application shall meet the requirements of section 1.8 of part 2 of these rules.

R 29.5804 Prohibitions.

Rule 804. Sections 1.8, 1.8.1, 1.8.2, 1.8.3, 1.8.4, 1.8.4.1, 1.8.4.1.1, 1.8.4.1.2, 1.8.4.1.3, 1.8.5 are added to the FL/CL code as follows:

1.8 Prohibitions.

1.8.1 Upon notification by the bureau a person shall not deliver any liquid into a storage tank system under any circumstances that are prohibited by these rules or if a tank is not in compliance with these rules. The notification may include verbal or written communication or an affixed written notification on the storage tank system.

1.8.2 A person shall not tamper with, remove, or disregard written notification affixed to the storage tank system.

1.8.3 Any storage tank system or practice that is not in compliance with these rules is in violation of these rules.

1.8.4 An owner or operator shall not continue to use a storage tank system that is causing a release and shall expeditiously empty the system or the component that is causing the release until the system is repaired or replaced, pursuant to these rules.

1.8.4.1 A leak from the primary tank into the interstice of a new or existing secondary containment tank is not considered a release requiring that the tank be emptied, provided all of the following are met:

1.8.4.1.1 The secondary containment tank is repaired, replaced, or permanently closed within 6 months of discovery of the release.

1.8.4.1.2 Temporary or permanent liquid tight spill control is provided for the tank within 7 days of discovery of the release to the secondary containment tank interstice.

1.8.4.1.3 There is no release from the outer shell of the secondary containment tank.

1.8.5 The bureau may order, at the expense of the owner, a tightness test of the storage tank system when there is reason to believe that the integrity of the storage tank system is compromised.

R 29.5805 Definitions.

Rule 805. Scope. Section 3.1.1 is added to the FL/CL code as follows:

3.1.1 Definitions in chapter 3 apply to existing and new storage tank installations.

R 29.5806 NFPA official definitions.

Rule 806. Sections 3.2.1 and 3.2.2 of the FL/CL code are adopted with the following changes:

3.2.1 “Approved” means acceptable to the bureau.

3.2.2 “Authority having jurisdiction (AHJ)” means the bureau of fire services.

R 29.5807 General definitions.

Rule 807. Sections 3.3.57.6, 3.3.57.7, 3.3.57.8, 3.3.68, 3.3.69, 3.3.69(a), 3.3.69(b) are added to the FL/CL code as follows:

3.3.57.6 “Aboveground storage tank (AST) system” means a tank or combination of tanks, including the pipes that are connected to the tank, tanks, or ancillary equipment containment systems, if any, which

is, was, or may have been, used to contain an accumulation of liquids and which has less than 10% of its volume, including the volume of the underground pipes that are connected to the tank, or tanks, beneath the surface of the ground.

3.3.57.7 “Tank system” means an AST system or UST system.

3.3.57.8 “Underground storage tank (UST) system” means a tank or combination of tanks including the underground pipes that are connected to the tank or tanks or underground ancillary equipment containment system, if any, which is, was, or may have been, used to contain an accumulation of liquids and which has 10% or more of its volume, including the volume of the underground pipes that are connected to the tank or tanks, beneath the surface of the ground.

3.3.68 “Bureau” means bureau of fire services.

3.3.69 “Building” means any structure used or intended for supporting or sheltering any use or occupancy.

3.3.69(a) “Important building” means a building that is considered not expendable in an exposure fire.

3.3.69(b) “Storage tank building” means a 3-dimensional space that is enclosed by a roof and walls that cover more than 1/2 of the possible area of the sides of the space, is of sufficient size to allow entry by personnel, will likely limit the dissipation of heat or dispersion of vapors, and restricts access for fire fighting.

R 29.5808 Acceptable liquid fuels.

Rule 808. Sections 4.5.1(6) and 4.5.1(7) of the FL/CL code are adopted with the following changes:

4.5.1 (6) ASTM D7467, Standard specification for Diesel Fuel Oil, Biodiesel Blend (B6-B20)

4.5.1 (7) ASTM D975, Standard Specification for Diesel Fuel Oils.

R 29.5809 Basic design and construction of tanks.

Rule 809. Section 7.2.3 of the FL/CL code is adopted with the following changes:

7.2.3 Tanks meeting the requirements of part 2 of these rules meet the requirements of this section.

R 29.5810 Areas subject to flooding or earthquake.

Rule 810. Section 7.2.8.1 of the FL/CL code is adopted with the following changes:

7.2.8.1 When in a designated flood zone, the applicable requirements of part 2 of these rules shall be met.

R 29.5811 Installation of underground tanks.

Rule 811. Sections 7.4.5 and 7.4.7 of the FL/CL code are adopted with the following changes:

7.4.5 Underground tanks shall be installed pursuant to manufacturer’s instructions and pursuant to the applicable requirements of part 2 of these rules.

7.4.7 Underground tanks that are taken out of service shall be removed or permanently closed pursuant to part 2 of these rules.

R 29.5812 Installation of outside aboveground tanks.

Rule 812. Section 7.8.3 of the FL/CL code is adopted with the following changes:

7.8.3 A tank or tanks whose capacity exceeds 660 gallons (2500L) shall be installed pursuant to part 2 of these rules.

R 29.5813 Tank leakage testing and periodic inspection.

Rule 813. Section 7.11.1(2) of the FL/CL code is adopted with the following changes:

7.11.1(2) For field-erected tanks, the applicable requirements of part 2 of these rules apply.

R 29.5814 Permanent abandonment of underground tanks.

Rule 814. Section 7.14 of the FL/CL code is adopted with the following changes:

7.14 Permanent abandonment of underground tanks. If an underground fuel storage tank is permanently removed from service, the applicable requirements of part 2 of these rules apply.

R 29.5815 Centralized oil distribution systems.

Rule 815. Section 9.2.9 of the FL/CL code is adopted with the following changes:

9.2.9 Aboveground tanks shall be provided with spill control by meeting the applicable requirements of part 2 of these rules.

R 29.5816 Installation clearances.

Rule 816. Section 12.6.2 of the FL/CL code is adopted with the following changes:

12.6.2 Used oil burning appliances shall be separated from flammable or combustible liquids pursuant to part 3 of these rules.

PART 5. AMENDMENTS TO STANDARD FOR THE INSTALLATION AND USE OF STATIONARY COMBUSTION ENGINES AND GAS TURBINES

R 29.5501 Rescinded.

R 29.5502 Rescinded.

R 29.5503 Rescinded.

R 29.5504 Rescinded.

R 29.5505 Rescinded.

R 29.5506 Rescinded.

R 29.5507 Rescinded.

R 29.5508 Rescinded.

R 29.5509 Rescinded.

R 29.5510 Rescinded.

R 29.5511 Rescinded.

R 29.5512 Rescinded.

R 29.5513 Rescinded.

R 29.5514 Rescinded.

R 29.5515 Rescinded.

R 29.5516 Rescinded.

R 29.5901 Scope.

Rule 901. Section 1.1.1 is added to the FL/CL code as follows:

1.1.1 All of the provisions of part 2 of these rules apply to this part.

R 29.5902 Application.

Rule 902. Section 1.3.4 added to the FL/CL code as follows:

1.3.4 This part does not apply to any portion of a new or existing stationary fire pump system where the requirements of part 5 conflict with the requirements of NFPA 20.

R 29.5903 Equivalency.

Rule 903. Sections 1.5.3 and 1.5.4 are added to the FL/CL code as follows:

1.5.3 An owner or operator may apply for a variance to the rules by applying to the bureau with a satisfactory explanation as to why compliance is not possible. The bureau may approve a variance upon finding that the variance is based on the best interests of public health, safety, welfare, and property and the environment.

1.5.4 A person aggrieved by a final decision of the bureau on a request for variance may appeal to the circuit court within 21 days of the decision.

R 29.5904 Installation application.

Rule 904. Sections 1.7 and 1.7.1 are added to the FL/CL code as follows:

1.7 Installation application submittal requirements.

1.7.1 An aboveground storage tank system installation application shall meet the requirements of section 1.8 of part 2 of these rules.

R 29.5905 Prohibitions.

Rule 905. Sections 1.8, 1.8.1, 1.8.2, 1.8.3, 1.8.4, 1.8.4.1, 1.8.4.1.1, 1.8.4.1.2, 1.8.4.1.3, and 1.8.5 are added to the FL/CL code as follows:

1.8 Prohibitions.

1.8.1 Upon notification by the bureau a person shall not deliver any liquid into a storage tank system under any circumstances that are prohibited by these rules or if a tank is not in compliance with these rules. The notification may include verbal or written communication or an affixed written notification on the storage tank system.

1.8.2 A person shall not tamper with, remove, or disregard written notification affixed to the storage tank system.

1.8.3 Any storage tank system or practice that is not in compliance with these rules is in violation of these rules.

1.8.4 An owner or operator shall not continue to use a storage tank system that is causing a release and shall expeditiously empty the system or the component that is causing the release until the system is repaired or replaced, pursuant to these rules.

1.8.4.1 A leak from the primary tank into the interstice of a new or existing secondary containment tank is not considered a release requiring that the tank be emptied, provided all of the following are met:

1.8.4.1.1 The secondary containment tank is repaired, replaced, or permanently closed within 6 months of discovery of the release.

1.8.4.1.2 Temporary or permanent liquid tight spill control is provided for the secondary containment tank within 7 days of discovery of the release to the secondary containment tank interstice.

1.8.4.1.3 There is no release from the outer shell of the secondary containment tank.

1.8.5 The bureau may order, at the expense of the owner, a tightness test of the storage tank system when there is reason to believe that the integrity of the storage tank system is compromised.

R 29.5906 NFPA publications.

Rule 906. Section 2.2 of the FL/CL code is amended to add reference to NFPA 20 as follows:
NFPA 20, Standard for the Installation of Stationary Pumps for Fire Protection, 2013 edition.

R 29.5907 Definitions.

Rule 907. General. Section 3.1.1 is added to the FL/CL code as follows:

3.1.1 Definitions in chapter 3 apply to existing and new storage tank installations.

R 29.5908 Definitions.

Rule 908. NFPA official definitions. Sections 3.2.1 and 3.2.2 of the FL/CL code are adopted with the following changes:

3.2.1 “Approved” means acceptable to the bureau.

3.2.2 “Authority having jurisdiction (AHJ)” means the bureau of fire services.

R 29.5909 Definitions.

Rule 909. General definitions. Sections 3.3(a), 3.3(a)(1), 3.3(a)(2), 3.3(b), 3.3.11.4, 3.3.11.5, and 3.3.11.6 are added to the FL/CL code as follows:

3.3(a) “Building” means any structure used or intended for supporting or sheltering any use or occupancy.

3.3(a)(1) “Important building” means a building that is considered not expendable in an exposure fire.

3.3(a)(2) “Storage tank building” means a 3-dimensional space that is enclosed by a roof and walls that cover more than 1/2 of the possible area of the sides of the space, is of sufficient size to allow entry by personnel, will likely limit the dissipation of heat or dispersion of vapors, and restricts access for fire fighting.

3.3(b) “Bureau” means bureau of fire services.

3.3.11.4 “AST system” means a tank or combination of tanks, including the pipes that are connected to the tank, tanks, or ancillary equipment containment systems, if any, which is, was, or may have been, used to contain an accumulation of liquids and which has less than 10% of its volume, including the volume of the underground pipes that are connected to the tank, or tanks, beneath the surface of the ground.

3.3.11.5 “Tank system” means an AST system or UST system.

3.3.11.6 “UST system” means a tank or combination of tanks including the underground pipes that are connected to the tank or tanks or underground ancillary equipment containment system, if any, which is, was, or may have been, used to contain an accumulation of liquids and which has 10% or more of its volume, including the volume of the underground pipes that are connected to the tank or tanks, beneath the surface of the ground.

R 29.5910 Gas piping.

Rule 910. Section 5.1.1(3) of the FL/CL code is adopted with the following changes:

5.1.1(3) LP-gas systems shall be installed pursuant to the provisions of R 29.6001 to R 29.6097.

R 29.5911 Design and construction of liquid fuel tanks.

Rule 911. Section 6.1 of the FL/CL code is adopted with the following changes and section 6.1.3 is added to the FL/CL code as follows:

6.1 Design and construction of liquid fueled tanks. Fuel tanks shall be constructed pursuant to the applicable tank specifications in part 2 of these rules.

6.1.3 Tanks not used to store liquids for 12 months shall be permanently closed by complying with the requirements of part 2 of these rules.

R 29.5912 Installation criteria for fuel tanks containing class I fuels.

Rule 912. Section 6.2.2 of the FL/CL code is adopted with the following changes:

6.2.2 Fuel tanks shall be installed pursuant to the applicable installation provisions of part 2 of these rules.

R 29.5913 Fuel tanks outdoors (aboveground or underground) or beneath a structure.

Rule 913. Section 6.3.3 of the FL/CL code is adopted with the following changes:

6.3.3 Fuel tanks outdoors (aboveground or underground) or beneath a structure. Fuel tanks located outside, either aboveground or underground, or beneath a structure shall comply with the applicable provisions of part 2 of these rules.

R 29.5914 Installation criteria for fuel tanks containing liquefied petroleum gases.

Rule 914. Section 6.4 of the FL/CL code is adopted with the following changes:

6.4 Installation criteria for fuel tanks containing liquefied petroleum gases. LP-Gas systems in the liquid phase shall be installed pursuant to the provisions of R 29.6001 to R 29.6097.

R 29.5915 Filling.

Rule 915. Section 6.6.3 of the FL/CL code is adopted with the following changes:

6.6.3 Piping for fuel tanks shall be pursuant to part 2 of these rules.

R 29.5916 Vent piping.

Rule 916. Section 6.7.1 of the FL/CL code is adopted with the following changes:

6.7.1 Vent piping for fuel tanks shall be pursuant to part 2 of these rules.

R 29.5917 Fuel piping, valves, and fittings.

Rule 917. Section 6.8.1 of the FL/CL code is adopted with the following changes:

6.8.1 Piping shall be pursuant to part 2 of these rules, except that piping shall be steel or other metal and the provisions of section 6.8.2 shall apply.

ADMINISTRATIVE RULES

DEPARTMENT OF TREASURY

STATE TREASURER

SCHOOL BOND QUALIFICATION, APPROVAL, AND LOAN RULES

Filed with the Secretary of State on October 6, 2014

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the state treasurer by section 11 of 2005 PA 92, MCL 388.1931, and section 33 of 1969 PA 306, MCL 24.201 to 24.328 all as amended)

R 388.7 and R 388.14 are rescinded from the Michigan Administrative Code; R 388.19, R 388.20, R 388.21, and R 388.22 are added to the Michigan Administrative Code; R 388.1, R 388.2, R 388.3, R 388.4, R 388.5, R 388.6, R 388.8, R 388.9, R 388.10, R 388.11, R 388.12, R 388.13, R 388.15, R 388.17 and R 388.18 of the Code are amended as follows:

PART 1. GENERAL DEFINITIONS

R 388.1 Definitions

Rule 1. (1) As used in these rules:

- (a) "Act" means the school bond qualification, approval, and loan act, 2005 PA 92, MCL 388.1921 to 388.1939.
- (b) "Business day" means any day that does not fall on a Saturday, Sunday, or state legal holiday.
- (c) "Calendar day" means any day represented on the yearly calendar including Saturday, Sunday, and state legal holidays.
- (d) "Debt service" means principal and interest payments on qualified bond issues and associated fees related to those bonds.
- (e) "Department" means the Michigan department of treasury.
- (f) "Pro forma debt service projection" has the meaning associated with it in section 5 of the act.
- (g) "Qualification" means the process of qualifying bonds or loans in accordance with the act.
- (h) "Refunding bond" means a bond issued to refund or refinance an existing qualified bond or outstanding qualified loan owed to the state under this act.
- (i) "Repayment mode" is the loan status given to a school district whose annual tax collections exceed, or are projected in the next succeeding year to exceed, its annual debt service on qualified bonds, at which point the school district must begin repaying to the state its outstanding qualified loan balances.
- (j) "State legal holiday" means those days designated in section 1 of 1865 PA 124, MCL 435.101.
- (k) "Treasurer" means the Michigan state treasurer as defined by the act.
- (l) All terms not defined in these rules have the same meaning as when used in the act.

PART 2. SCHOOL BOND QUALIFICATION

R 388.2 Preliminary qualification; application.

Rule 2. (1) A completed preliminary qualification application shall include a submission to the department that complies with section 5 of the act, any other applicable law, and any other guidance published by the department including, but not limited to, global instructions, policies, procedures, guidelines or rules. The application shall include the following:

(a) The proposed ballot language to be submitted to the electors shall include all language required by the following statutes:

- (i) MCL 380.1361, the revised school code.
- (ii) MCL 211.24f, general property tax act.
- (iii) Section 8 of the act.
- (iv) Any other applicable law.

(b) A description of the project or projects to be financed including all of the following:

(i) A cost analysis providing summary totals that can be matched to budget estimates as reported by the school district.

(ii) For new construction, all of the following shall be included:

- (A) The estimated number of rooms.
- (B) The types of rooms expected to be constructed.
- (C) The estimated square footage of the project or projects.
- (D) The estimated cost per square foot.

(iii) For remodeling and site work, all of the following shall be included:

- (A) The planned use of the space.
- (B) The type of work expected to be performed.
- (C) The estimated total cost of the work to be performed.

(iv) For site acquisitions, the total cost of acquisition shall be included, or if such information is not available, the estimated total cost of acquisition.

(v) For technology, furnishings, and equipment, school districts shall provide detail regarding the types of technology, furnishings, and equipment to be purchased.

(c) A pro forma debt service projection, which shall demonstrate both of the following:

(i) That the projected computed millage will be sufficient to repay principal and interest on all of the school district's existing and proposed new qualified bonds plus principal and interest on all existing and anticipated qualified loans related to those bonds not later than the final mandatory repayment date.

(ii) That the school district's projected average growth in taxable value is based on the assumptions required by the act.

(d) The utilization rate for each project included in the preliminary qualification application, which meets the following specifications:

(i) The utilization rate shall be calculated by dividing the projected 5-year enrollment by the standard pupil capacity factor provided by the department.

(ii) The 5-year enrollment projection used in this calculation shall be obtained from an enrollment projection service provider approved by the department.

(iii) When the utilization rate for any building is below 60% for remodeling projects and 85% for new construction projects, the school district shall submit a written explanation of such variance discussing the actions the school district intends to take to address the underutilization.

(e) Evidence that the cost per square foot of the project or projects will be reasonable in light of economic conditions applicable to the geographic area in which the school district is located.

(f) An amortization schedule in accordance with MCL 388.1925(2)(k) and MCL 388.1927(1)(d).

(g) A completed prequalification application includes the following data, which the department shall use for informational purposes only:

(i) The total bonded debt outstanding of the school district for the school district fiscal year in which the application is filed.

(ii) The total taxable value of property in the school district for the school district fiscal year in which the application is filed.

(iii) A statement describing any environmental or usability problems to be addressed by the project or projects.

(iv) An architect's analysis of the overall condition of the facilities to be renovated or replaced as a part of the project or projects.

(v) Acknowledgement that the district will keep books and records of expenditure of bond proceeds and make this information available to the department upon request within 5 business days.

(2) The department shall determine the reasonableness of cost per square foot by comparing the cost included in the preliminary qualification application to the cost per square foot parameter announced annually by the department. The cost per square foot parameter announced annually by the department shall be calculated from data derived from reputable independent sources, including but not limited to, R.S. Means or such similar entity that provides reliable objective information.

(3) If it has been more than 12 months since the preliminary qualification was approved, then a school district shall submit the following information to update the application prior to submitting an application for final qualification:

(a) A status report of any previous series of bonds included in the authorization.

(b) Updated project sheets for each project included in the proposed series and supporting cost detail, as described in R 388.2(1)(b).

(c) A cost summary sheet for proposed bond series.

(d) An updated pro forma debt service projection showing bond structure for proposed series.

R 388.3 Qualification of bonds.

Rule 3. (1) To obtain final qualification of bonds, a school district shall, along with meeting any other requirements of section 7 of the act, submit a final qualification application and supporting documentation in the form prescribed by the department.

Supporting documentation shall include all of the following:

A cover letter from legal counsel indicating the requested approval date and delivery date if known at the time of submission.

The certificate of determination of election results and vote count approving the bonds.

An updated pro forma debt service projection.

(d) A copy of any adopted resolution authorizing the issuance of bonds.

(e) A copy of any resolution authorizing the sale of bonds if such a resolution is applicable.

(f) The preliminary or final official statement, whichever is available at the time of submission.

(g) Acknowledgement that the district will keep books and records of expenditure of bond proceeds and make this information available to the department upon request within 5 business days.

Supporting documentation for refunding bond issues shall include both of the following:

Additional financial schedules that document net present value savings of the refunding bond issue.

A draft verification report of mathematical accuracy of the refunding tables, prepared by a reliable independent source.

If a school district does not issue its qualified bonds within 180 days after the date of the order qualifying bonds, then the school district shall submit a revised application and updated pro forma debt service projection to the department.

(5) Notwithstanding the repayment requirements of these rules, all bonds qualified under the act and Article IX of the state constitution of 1963 shall be considered qualified upon issuance of the order qualifying bonds by the state treasurer until final maturity.

R 388.4 Debt service payment dates.

Rule 4. Principal on qualified bonds shall be payable on May 1 and/or November 1, as approved by the department, and interest on qualified bonds shall be payable on May 1 and/or November 1, as approved by the department.

R 388.5 Department guidance.

Rule 5. The department may issue any other guidance including, but not limited to, global instructions, policies, procedures, or guidelines, in accordance with the act, these rules and, state law, as needed, to assist school districts with completing prequalification and qualification applications, and otherwise with complying with the act.

PART 3. SCHOOL LOAN REVOLVING FUND LOANS

R 388.6 Certification of computed millage.

Rule 6. Subject to the act and other provisions of these rules, a school district shall authorize, agree to, and certify the levy of its full computed millage before borrowing from the school loan revolving fund.

R 388.7 Rescinded.

R 388.8 Annual loan activity application.

Rule 8. A completed annual loan activity application shall include submission to the department of all of the following:

A cover transmittal letter.

(b) An annual loan activity application consisting of a certified resolution in the form prescribed by the department providing for all of the following:

Designation and authorization of a school district official to complete all required and necessary documents related to the school loan revolving fund.

Approval of the estimated amount to be disbursed from or repaid to the school loan revolving fund.

Certification of the amount of qualified debt millage to be levied.

Agreement to take actions or refrain from taking actions, as necessary, to maintain the tax-exempt status of any bonds or notes issued by the state in accordance with the state constitution of 1963 or by the Michigan finance authority, or its successor, in accordance with the act.

(c) An annual loan activity worksheet in a form prescribed by the department.

(d) Copies of reconciled bank statements to support the debt fund balance reported on the annual loan activity worksheet.

(e) Financial analysis confirming that the current computed millage or recalculated computed millage is sufficient to repay principal and interest on all qualified bonds and loans not later than the final mandatory repayment date, unless otherwise provided for in the act.

(f) Any other documentation and information necessary to determine the amount of the disbursement or repayment.

R 388.9 Worksheet/draw request; compliance with paying agent guidelines.

Rule 9. (1) A completed draw request shall include submission to the department of all of the following:

A cover transmittal letter.

A worksheet/draw request.

Copies of reconciled bank statements to support the debt fund balance reported on worksheet/draw request.

Any other documentation and information necessary to determine the amount of the disbursement.

(2) If the state or the Michigan finance authority, or its successor, issues tax exempt bonds for purposes of funding qualified loans related to qualified bonds, as defined in the act, then school districts that receive proceeds of those tax exempt bonds shall use such proceeds towards the district's qualified debt service within 5 business days of receipt.

School districts participating in the school bond qualification and loan program must assist the department in complying with third party paying agent guidance as they may be called or amended. Those guidelines include, but are not limited to, the following:

Transferring funds to the paying agent not later than 5 business days prior to any payment due date.

Working with paying agents when a school district is notified by a paying agent that it has failed to transfer sufficient funds, which paying agents must do 4 business days prior to the debt service due date.

Agreeing that, 3 business days prior to the debt service due date, paying agents will notify the department that a school district has failed to transfer sufficient funds to it.

Allowing paying agents to work with delinquent school districts to ensure debt service payments are made by the due date, and to keep the department informed of the status of the payments.

Allowing paying agents to coordinate a loan from the state through the school loan revolving fund to ensure timely payment of debt service, if that school district does not timely transfer sufficient funds.

R 388.10 Final mandatory repayment dates for borrowing related to new bond issues.

Rule 10. The final mandatory repayment dates for borrowing related to qualified bond issues shall be determined in accordance with the act.

R 388.11 Interest rates on qualified loans.

Rule 11. (1) All qualified loans shall bear interest as defined in section 9(8) of the act.

(2) The department shall recalculate the interest rate on all qualified loans if any of the following occur:
Additional school loan bonds or school loan revolving fund bonds are issued.

Existing school loan bonds or school loan revolving fund bonds are refunded.

Principal payments are made on existing school loan bonds or school loan revolving fund bonds.

Each time variable interest rates are adjusted on school loan bonds, or quarterly for school loan revolving fund bonds.

(3) Interest on all qualified loans shall be compounded annually on September 30.

R 388.12 Repayment; invoices.

Rule 12. (1) If the revenue generated by a school district's computed millage levied in a 12-month period exceeds the debt service due on qualified bonds during that 12-month period, then the school district shall pay the difference, less a reasonable amount of funds on hand, as determined by the state treasurer, to cover minimum balance requirements or potential tax disputes, to the department as payment of the outstanding loan.

(2) The department shall issue an invoice to the school district at least once a year when the information contained in a loan activity statement demonstrates that the revenue generated by a school district's levy of the computed millage will exceed the annual debt service on the bonds.

The school district shall remit the amount specified in the invoice to the department not later than the next succeeding May 15 after the dated date of the invoice.

The school district shall promptly submit to the department an explanation of any difference between the invoiced payment due and the payment remitted.

PART 4. NONCOMPLIANCE

R 388.13 Noncompliance; remedies.

Rule 13. (1) The following situations constitute noncompliance:

A school district that owes the state loan repayments relating to qualified bonds fails to levy at least the computed millage upon its taxable value for debt retirement purposes for qualified bonds or qualified loans under the act.

A school district fails to honor its agreement to repay a qualified loan or any installment of a qualified loan.

A school district fails to file or correctly file required documentation as defined in the act or these rules.

In addition to any other remedies provided by the act or other state law, in the event of noncompliance, the school district shall do all of the following as required by the department:

File or correct the required documentation.

Increase its debt levy in the next succeeding year to obtain the funds necessary to repay the amount of the default plus a late charge that shall be 3% of the amount due. If a school district fails to levy at least the computed millage upon its taxable value, then the school district shall increase its debt levy in the next succeeding year to obtain the amount necessary to repay the amount of the default plus a late charge that shall be 3% of the amount due even when such an increase will be higher than the computed millage.

Shall pay to the state the amount of the default plus the 3% late charge together with any other amounts owed during the next tax year following the year in which the default occurred.

The department shall cause state school aid not to be disbursed to the non-complying school district until arrangements for the payment of the amount in arrears are made with the department's approval.

Failure of a school district to comply with application due dates or failure of a school district to process any report, application, confirmation, or repayment as required under the act or in these rules may result in 1 or both of the following:

The department may issue a notification to the school board requiring a written response of remedy.

The department may withhold a school district's state aid funds until the school district complies with all requirements.

None of the following situations constitutes noncompliance:

Taxpayer delinquencies.

Failure of projected pupil or tax base growth rates to meet initial projections.

Decline in the school district tax base.

PART 5. REFUNDING

R 388.14 Rescinded.

R 388.15 Refunding bonds.

Rule 15. (1) Bonds issued to refund qualified bonds or outstanding qualified loans shall comply with the provisions of the act and the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821. (2) The term of the refunding bond shall be no longer than the term of the original bond issue being refunded.

(3) Qualified bonds issued to refund outstanding qualified loans shall not be issued for a term longer than the projected repayment term of the qualified loans as of the date of the refunding.

(4) The department shall consider requests to issue qualified refunding bonds to refund outstanding qualified loans, despite the school district's current or prospective computed millage equaling a level greater than the maximum levy permitted by law, and despite the school district's current inability to comply with its final mandatory repayment date, so long as the issuance of the qualified refunding bonds will not further extend the school district's anticipated repayment date of its outstanding qualified loan balance, will result in a savings, will improve the district's projected qualified loan repayment date, and otherwise complies with the act and these rules.

PART 7. TIME COMPUTATION

R 388.17 Business and calendar days.

Rule 17. (1) Unless otherwise required by these rules, when the act, these rules, or any other guidance published by the department including, but not limited to, global instructions, policies, procedures, or guidelines refer to time periods of 7 days or less, it shall mean business days. Time periods greater than 7 days, shall mean calendar days.

(2) Pursuant to MCL 211.24f(2)(b), "year" means the 12 succeeding months starting upon and including the first anticipated levy.

PART 8. APPEALS

R 388.18 Appeals.

Rule 18. (1) A school district may appeal a decision of a designated representative of the department to the state treasurer or his or her program designee directly by submitting a written request for reconsideration by the state treasurer detailing the grounds, legal or otherwise, for the request within 30 calendar days of the decision.

The appeal must clearly state its nature as an appeal pursuant to this rule and must clearly identify which decision is being appealed and the rationale for reconsideration.

A school district may request an appeal conference with the department as part of its request for reconsideration, where it can present and discuss materials supporting its request. Such a conference shall be scheduled within 15 days of receipt of the request.

(4) The state treasurer or his or her program designee shall issue a final determination in writing within 30 calendar days of receipt of the appeal request, or after an appeal conference is held, whichever is later.

(5) Decisions of the state treasurer or his or her program designee are final.

PART 9. ANNUAL COMPUTED MILLAGE WAIVER

R 388.19 Annual computed millage waiver requests.

Rule 19. (1) The department shall consider waiver requests to levy a recalculated computed millage that is less than the computed millage stated on the applicant's most recent order qualifying bonds, but that is not lower than the computed millage rate noted on the applicant's current loan agreement in effect at the time of the request. For school districts that have issued refunding bonds subsequent to entering into a loan agreement, there may be a higher computed millage rate reflected on the most recent order qualifying bonds than on the loan agreement.

Subject to subrule (3) of this rule, such waivers must be requested annually prior to June 1 each year and may be granted if all of the following statutory conditions are met:

The school board of the school district has applied to the state treasurer for permission to levy a recalculated computed millage as described in subrule (1) of this rule.

The application specifies the number of mills the school district requests permission to levy which shall be equal to the recalculated computed millage.

The waiver will be financially beneficial to this state, the school district, or both. It is presumed that the recalculated computed millage, despite being lower than the computed millage reflected on the applicant's most recent order qualifying bonds, but not lower than the computed millage rate reflected on the applicant's current loan agreement in effect at the time of the request, meets this condition.

The waiver will not reduce the millage levied by the school district to pay principal and interest on qualified bonds and/or qualified loans under the act to less than 7 mills.

The board of the school district, by resolution, will agree to comply with all conditions that the state treasurer has specified in the waiver. Any conditions are anticipated to be only those needed to address any unforeseeable circumstances unique to and presented by individual school districts. The department's approach to those circumstances will be uniform to the extent possible.

Once a waiver has been approved, for each subsequent consecutive year where the recalculated computed millage is lower than the computed millage stated on the most recent order qualifying bonds for the district, the district may continue to levy the lesser recalculated computed millage as long as it is sufficient to repay all outstanding loans by the final mandatory repayment date. Board acknowledgement of the waiver continuance will be obtained during the annual loan application process required by the act and will satisfy the annual waiver request requirement.

If confirmed taxable value amounts are not available prior to board certification, estimated taxable values may be used in the application. Revised financial schedules with confirmed taxable values must be submitted prior to final department approval. Complete and timely applications shall be processed not later than June 10.

Waiver request forms are available on the department's website and must be submitted along with current pro forma debt service projections not later than June 1 to the appropriate contact on the department's website.

PART 10. USE OF REMAINING PROCEEDS

R 388.20 Use of remaining proceeds.

Rule 20. (1) School districts may only use bond proceeds remaining after the approved projects are completed to do the following:

Pay debt service on qualified bonds.

Pay qualified loans.

(2) Only under limited circumstances, and if in the opinion of the district's bond counsel, the use of remaining proceeds to pay down debt would adversely affect the tax treatment of interest on the

qualified bonds, the district may use remaining bond proceeds to pay for enhancements to the projects approved by the school electors as described in the ballot language.

PART 11. FINAL YEAR OF REPAYMENT

R 388.21 Computed millage exception for qualified bonds and qualified loans in final year of repayment.

Rule 21. If a school district with an outstanding qualified loan balance can demonstrate to the satisfaction of the department that repayment in full of the outstanding qualified loan balance will be achieved in the school district's next fiscal year by levying a millage that is less than 7 mills, or less than the computed millage stated on the school district's most recent order qualifying bonds or loan agreement, then the department shall not object to the school district certifying a levy for that supported lesser millage amount.

PART 12. EXTENSION OF FINAL MANDATORY REPAYMENT DATE

R 388.22 Permissive mandatory repayment date extensions.

Rule 22. (1) As permitted by the act, these rules, or any other guidance published by the department including, but not limited to, global instructions, policies, procedures, or guidelines, a school district may request approval from the treasurer for a later final mandatory repayment date.

(2) Requests may be granted only if the following conditions are met:

(a) The school district agrees to levy a higher millage, at a minimum of 2 mills, and as approved by the treasurer, subject to any maximum millage provided by law.

(b) The school district agrees to levy the higher millage described in subdivision (a) of this subrule for so long as the extended final mandatory repayment remains applicable.

(c) The school district agrees to revert back to the original mandatory repayment date if and when projections support that action.

(d) At the time of the request, the school district is at or within 15 years of its mandatory repayment date.

(e) At the time of the request, the school district has not previously requested such an extension for the final mandatory repayment date stated in its current loan agreement.

(f) The extension is necessary for the school district to receive preliminary or final qualification of a new money bond issue.

(g) The school district will enter repayment mode upon completion of the bond issuance described in subdivision (f) of this subrule.

(h) The final mandatory repayment date is not extended by more than 3 years.

(3) Approvals shall be documented in writing either as part of the qualification order for the bonds, or in another written communication with the school district.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

BUREAU OF FIRE SERVICES

STORAGE TANK DIVISION

VEHICULAR GASEOUS FUEL SYSTEMS

Filed with the Secretary of State October 6, 2014

These rules take effect 7 days after filing with the Secretary of State.

(By authority conferred on the department of licensing and regulatory affairs by section 3c of 1941 PA 207, MCL 29.3c.)

R 29.4601, R 29.4602, R 29.4621, R 29.4622, R 29.4623, R 29.4624, R 29.4625, R 29.4626, R 29.4627, R 29.4628, R 29.4629, R 29.4630, R 29.4631, R 29.4632, R 29.4633, R 29.4634, R 29.4635, R 29.4636, R 29.4637, R 29.4638, R 29.4639, R 29.4640, R 29.4641, R 29.4642, R 29.4643, R 29.4644, R 29.4645, R 29.4646, R 29.4647, R 29.4648, R 29.4649, R 29.4650, R 29.4651, R 29.4652, of the Michigan Administrative Code are rescinded and R 29.4701, R 29.4702, R 29.4751, R 29.4752, R 29.4753, R 29.4754 and R 29.4755 are added as follows:

R 29.4601 Rescinded.

R 29.4602 Rescinded.

R 29.4621 Rescinded.

R 29.4622 Rescinded.

R 29.4623 Rescinded.

R 29.4624 Rescinded.

R 29.4625 Rescinded.

R 29.4626 Rescinded.

R 29.4627 Rescinded.

R 29.4628 Rescinded.

R 29.4629 Rescinded.

R 29.4630 Rescinded.

R 29.4631 Rescinded.

R 29.4632 Rescinded.

R 29.4633 Rescinded.

R 29.4634 Rescinded.

R 29.4635 Rescinded.

R 29.4636 Rescinded.

R 29.4637 Rescinded.

R 29.4638 Rescinded.

R 29.4639 Rescinded.

R 29.4640 Rescinded.

R 29.4641 Rescinded.

R 29.4642 Rescinded.

R 29.4643 Rescinded.

R 29.4644 Rescinded.

R 29.4645 Rescinded.

R 29.4646 Rescinded.

R 29.4647 Rescinded.

R 29.4648 Rescinded.

R 29.4649 Rescinded.

R 29.4650 Rescinded.

R 29.4651 Rescinded.

R 29.4652 Rescinded.

PART 1. GENERAL PROVISIONS

R 29.4701 Applicability.

Rule 701. These rules apply to the design and installation of gaseous engine fuel systems on vehicles and associated fuel-dispensing systems. Compliance with these rules does not excuse compliance with other applicable state and federal statutes and rules and regulations promulgated in addition to these rules.

R 29.4702 Vehicular gaseous fuel systems code; adoption by reference.

Rule 702. The provisions of the national fire protection association (nfpa) pamphlet number 52, 2013 edition, entitled “*Vehicular Gaseous Fuel Systems Code*,” are adopted by reference as part of these rules. Copies of the adopted nfpa 52 are available for inspection and distribution either at the office of the Bureau of Fire Services, Storage Tank Division, 3101 Technology Boulevard, Lansing, Michigan 48910, or from the National Fire Protection Association (NFPA), 1 Batterymarch Park, P.O. Box 9101, Quincy, Massachusetts, 02169-7471. The cost of nfpa 52, as of the time of adoption of these rules, is \$46.50 per copy plus a \$7.95 handling charge, per copy; or at the office of the Bureau of Fire Services, P.O. Box 30241, Lansing, Michigan 48909-7741, for a cost, at the time of the adoption of these rules, of \$54.45, per copy, plus \$20.00 handling, plus shipping.

PART 2. AMENDMENTS TO Vehicular Gaseous Fuel Systems CODE

R 29.4751 Equivalency.

Rule 751. Sections 1.4.1.1.1 and 1.4.1.1.2 are added to the vehicular gaseous fuel systems code as follows:

1.4.1.1.1 An owner or operator may make an application for a variance to the rules by applying to the department with a satisfactory explanation as to why compliance is not possible. The department may approve a variance upon finding that the variance is based on the best interests of public health, safety, welfare, and property and the environment.

1.4.1.1.2 A person aggrieved by a final decision of the department on a request for variance may appeal to the circuit court within 21 days of the decision.

R 29.4752 Prohibitions.

Rule 752. Sections 1.8, 1.8.1, 1.8.2, 1.8.3, and 1.8.4 are added to the vehicular gaseous fuel systems code as follows:

1.8 Prohibitions.

1.8.1 Upon notification by the department a person shall not deliver any regulated substance into a storage system under any circumstances that are prohibited by these rules or when a tank is not in compliance with these rules. The notification may include verbal or written communication or an affixed written notification on the storage system.

1.8.2 A person shall not tamper with, remove, or disregard written notification affixed to the storage system.

1.8.3 Any storage system or practice that is not in compliance with these rules shall be considered to be in violation of these rules.

1.8.4 An owner or operator shall not continue to use a storage system that is causing a release and shall expeditiously empty the system or the component that is causing the release until the system is repaired or replaced, pursuant to these rules.

R 29.4753 Permits.

Rule 753. Sections 1.9, 1.9.1, 1.9.2, 1.9.3, 1.9.4, 1.9.5, 1.9.6, and 1.9.7 are added to the vehicular gaseous fuel systems code as follows:

1.9 Permits.

1.9.1 An application for plan review shall be submitted to the department not less than 30 days before the installation of a storage system by the owner or owner's designee on behalf of the owner.

1.9.2 The installation application shall include a plot map that shows all of the following information:

- (a) The locations of buildings, public roadways, railroad mainlines, and power lines.
- (b) Storm sewers, sanitary sewers, manholes, and catch basins.
- (c) The proposed locations of tanks and buildings.
- (d) The location of property lines.
- (e) The location of existing tanks, aboveground and underground, within 50 feet (15 meters) of the installation.
- (f) The material of construction, the dimension, and the capacity of each tank.
- (g) The class of liquid stored.
- (h) The type of venting and pressure relief.
- (i) The method of spill control provided.

1.9.3 The department shall issue a plan review report within 30 days of the receipt. If the report is not issued within 30 days, the installation may be constructed according to the submitted plans and comply with these rules.

1.9.4 Upon completion of the installation, the owner or designee shall notify the department not fewer than 7 calendar days before the installation is placed in service. The department shall inspect the installation following the receipt of notification and shall certify the installation if the requirements of these rules have been met. If the inspection is not made within 7 calendar days of receipt of notification, the installation may be placed in service and a notarized affidavit shall be submitted to the department attesting to the fact that the installation complies with the plans submitted and applicable rules.

1.9.5 Upon request, all plans and specifications that are submitted to the department for review shall be returned after the department has certified the installation or within 30 working days after notification to the authority having jurisdiction of the completion of the installation. Plans and specifications may be marked "confidential – do not copy" when they are submitted.

1.9.6 If construction of the storage system is not commenced within 1 year after date of approval, an installation application shall be resubmitted pursuant to this section. Fees required under the act shall be submitted with the resubmitted application.

1.9.7 Closure of aboveground storage tanks. Tanks that have not been used for more than 12 months shall be closed. To permanently close an aboveground storage tank that is no longer needed to store regulated substance, the owner or operator shall notify the department, not less than 30 days before the intended closure, on form BFS 3858 provided by the department. To permanently close an aboveground storage tank, the owner or operator shall empty the tank of all liquid and sludge, render it vapor-free, and safeguard it against trespassing. Piping that is permanently removed from service shall be emptied of all liquids and sludge, be purged and capped, or be removed from the ground.

R 29.4754 Installation application fees and annual certification fees.

Rule 754. Sections 1.10, 1.10.1, and 1.10.2 are added to the vehicular gaseous fuel systems code as follows:

1.10. Installation application fees and annual certification fees.

1.10.1. Only an owner of a CNG-LNG dispensing station for which an installation application is required to be submitted under section 1.9 of these rules shall be required to pay fees as specified in section 5 of 1941 PA 207, MCL 29.5.

1.10.2. For the purpose of assessing fees, each 18,500 scf storage capacity calculated at standard temperature and maximum allowable working pressure of CNG vessel or increment thereof shall be considered a tank, as used in section 5 of 1941 PA 207, of the Public Acts of 1941, as amended, being section 29.5 of the Michigan Compiled Laws.

R 29.4755 Definitions.

Rule 755. NFPA official definitions. Sections 3.2.1, and 3.2.2 of the vehicular gaseous fuel systems code are adopted with the following changes and section 3.2.2.1 is added to the vehicular gaseous fuel systems code as follows:

3.2.1 “Approved” means acceptable to the department.

3.2.2 “Authority having jurisdiction (AHJ)” means the department of licensing and regulatory affairs.

3.2.2.1 “Department” means department of licensing and regulatory affairs.

ADMINISTRATIVE RULES

MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

BUREAU OF FIRE SERVICES

STORAGE TANK DIVISION

STORAGE AND HANDLING OF LIQUEFIED PETROLEUM GASES (LPG)

Filed with the Secretary of State on October 6, 2014

These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the Michigan Department of Licensing and Regulatory Affairs by Section 3c of 1941 PA 207, MCL 29.3c, and Executive Reorganization Order Numbers 1998-2, and 2012-7, MCL 29.461 and 29.462)

R 29.6001, R 29.6002, R 29.6036, R 29.6037, R 29.6038, R 29.6039, R 29.6040, R 29.6041, R 29.6042, R 29.6043, R 29.6044, R 29.6045, R 29.6046, R 29.6047, R 29.6048, R 29.6049, R 29.6050, R 29.6051, R 29.6052, R 29.6053, R 29.6054, R 29.6055, R 29.6056, R 29.6057, R 29.6058, R 29.6059, R 29.6060, R 29.6061, R 29.6062, R 29.6063, R 29.6064, R 29.6065, R 29.6066, R 29.6067, R 29.6068, R 29.6069, R 29.6070, R 29.6071, R 29.6072, R 29.6073, R 29.6074, R 29.6075, R 29.6076, R 29.6077, R 29.6078, R 29.6079, R 29.6080, R 29.6081, R 29.6082, R 29.6083, R 29.6084, R 29.6085, R 29.6086, R 29.6087, R 29.6088, R 29.6089, R 29.6090, R 29.6091, R 29.6092, R 29.6093, R 29.6094, R 29.6095, R 29.6096, R 29.6097 of the Michigan Administrative Code are rescinded and R 29.6101, R 29.6102, R 29.6151, R 29.6152, R 29.6153, R 29.6154 and R 29.6155 are added as follows:

PART 1. GENERAL PROVISIONS

R 29.6001 Rescinded.

R 29.6002 Rescinded.

R 29.6101 Applicability.

Rule 1. These rules apply to the operation of all liquefied petroleum gas (LP-gas) systems. A person shall comply with these rules, other applicable state and federal statutes, and rules and regulations promulgated under the statutes.

R 29.6102 Storage and handling of liquefied petroleum gases; adoption of standard by reference.

Rule 2. The National Fire Protection Association's (NFPA) pamphlet entitled "NFPA 58 Liquefied Petroleum Gas Code 2014 Edition," pertaining to the storage and handling, but not transportation, of LP-gas, is adopted by reference as part of these rules. Copies of the adopted code are available for inspection and distribution either at the office of the Bureau of Fire Services, Storage Tank Division,

3101 Technology Boulevard, Lansing, Michigan 48910, or from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101. The cost of the NFPA code, at the time of the adoption of these rules, is \$54.50, plus a \$7.95 handling charge, per copy.

PART 2. AMENDMENTS TO ADOPTED CODE

R 29.6036 Rescinded.

R 29.6037 Rescinded.

R 29.6038 Rescinded.

R 29.6039 Rescinded.

R 29.6040 Rescinded.

R 29.6041 Rescinded.

R 29.6042 Rescinded.

R 29.6043 Rescinded.

R 29.6044 Rescinded.

R 29.6045 Rescinded.

R 29.6046 Rescinded.

R 29.6047 Rescinded.

R 29.6048 Rescinded.

R 29.6049 Rescinded.

R 29.6050 Rescinded.

R 29.6051 Rescinded.

R 29.6052 Rescinded.

R 29.6053 Rescinded.

R 29.6054 Rescinded.

R 29.6055 Rescinded.

R 29.6056 Rescinded.

R 29.6057 Rescinded.

R 29.6058 Rescinded.

R 29.6059 Rescinded.

R 29.6060 Rescinded.

R 29.6061 Rescinded.

R 29.6062 Rescinded.

R 29.6063 Rescinded.

R 29.6064 Rescinded.

R 29.6065 Rescinded.

R 29.6066 Rescinded.

R 29.6067 Rescinded.

R 29.6068 Rescinded.

R 29.6069 Rescinded.

R 29.6070 Rescinded.

R 29.6071 Rescinded.

R 29.6072 Rescinded.

R 29.6073 Rescinded.

R 29.6074 Rescinded.

R 29.6075 Rescinded.

R 29.6076 Rescinded.

R 29.6077 Rescinded.

R 29.6078 Rescinded.

R 29.6079 Rescinded.

R 29.6080 Rescinded.

R 29.6081 Rescinded.

R 29.6082 Rescinded.

R 29.6083 Rescinded.

R 29.6084 Rescinded.

R 29.6085 Rescinded.

R 29.6086 Rescinded.

R 29.6087 Rescinded.

R 29.6088 Rescinded.

R 29.6089 Rescinded.

R 29.6090 Rescinded.

R 29.6091 Rescinded.

R 29.6092 Rescinded.

R 29.6093 Rescinded.

R 29.6094 Rescinded.

R 29.6095 Rescinded.

R 29.6096 Rescinded.

R 29.6097 Rescinded.

R 29.6151 Prohibitions.

Rule 51. Sections 1.8, 1.8.1, 1.8.2, 1.8.3 and 1.8.4 of the LPG code are added as follows:

1.8 Prohibitions.

1.8.1 Upon notification by the bureau a person shall not deliver any liquid into a storage tank system under any circumstances that are prohibited by these rules or if a tank is not in compliance with these rules. The notification may include verbal or written communication or an affixed written notification on the storage tank system.

1.8.2 A person shall not tamper with, remove, or disregard written notification affixed to the storage tank system.

1.8.3 A storage tank system or practice that is not in compliance with these rules is in violation of these rules.

1.8.4 An owner or operator shall not continue to use a storage tank system that is causing a release and shall expeditiously empty the system or the component that is causing the release until the system is repaired or replaced, pursuant to these rules.

R 29.6152 Permits.

Rule 52. Sections 1.9, 1.9.1, 1.9.2, 1.9.3, 1.9.4, 1.9.5 and 1.9.6 of the LPG code are added as follows:

1.9 Permits.

1.9.1 An owner or owner's designee shall submit an application for plan review to the bureau not less than 30 days before the installation of a LPG storage tank system of more than 2,000 gallon individual water capacity, more than 4,000 gallon aggregate water capacity, or any container filling location.

1.9.2 The installation application shall include a plot map that shows all of the following information:

- (a) The locations of buildings, public roadways, railroad mainlines, and power lines.
- (b) Storm sewers, sanitary sewers, manholes, and catch basins.
- (c) The proposed locations of tanks and buildings.
- (d) The location of property lines.
- (e) The location of existing tanks, aboveground and underground, within 50 feet (15 meters) of the installation.
- (f) The material of construction, the dimension, and the capacity of each tank.
- (g) The manufacturer name and part number of all required container and piping appurtenances.

1.9.3 The bureau shall issue a plan review report within 30 days of the receipt. If the report is not issued within 30 days, the installation may be constructed according to the submitted plans and shall comply with these rules.

1.9.4 Upon completion of the installation, the owner or designee shall notify the bureau not fewer than 7 calendar days before the installation is placed in service. The bureau shall inspect the installation following the receipt of notification and shall certify the installation if the requirements of these rules have been met. If the inspection is not made within 7 calendar days of receipt of notification, the installation may be placed in service and a notarized affidavit shall be submitted to the bureau attesting to the fact that the installation complies with the plans submitted and applicable rules.

1.9.5 Upon request, all plans and specifications that are submitted to the bureau for review shall be returned after the bureau has certified the installation or within 30 working days after notification to the authority having jurisdiction of the completion of the installation. Plans and specifications may be marked "confidential – do not copy" when they are submitted.

1.9.6 If construction of the storage system is not commenced within 1 year after date of approval, an installation application shall be resubmitted pursuant to this section. Fees required under the act shall be submitted with the resubmitted application.

R 29.6153 Variances.

Rule 53. Sections 1.10, 1.10.1 and 1.10.1.1 of the LPG code are added as follows:

1.10 Variances.

1.10.1 An owner or operator may apply for a variance to the rules by applying to the bureau with a satisfactory explanation as to why compliance is not possible. The bureau may approve a variance upon finding that the variance is based on the best interests of public health, safety, welfare, and property and the environment.

1.10.1.1 A person aggrieved by a final decision of the bureau on a request for variance may appeal to the circuit court within 21 days of the decision.

R 29.6154 Definitions.

Rule 54. Sections 3.2.1 and 3.2.2 of the LPG code are amended and sections 3.2.2(a), 3.3.21.1(a), and 3.3.21.1(b) are added to the code as follows:

3.2.1 “Approved” means acceptable to the bureau.

3.2.2* “Authority having jurisdiction (ahj)” means the bureau of fire services.

3.2.2(a) “Bureau” means bureau of fire services.

3.3.21.1(a) “Empty container” means a container charged to not more than 5% of its water capacity.

3.3.21.1(b) “Empty piping” means piping or tubing void of any liquid propane.

R 29.6155 Definitions.

Rule 55. Section 5.2.8.1 (C) of the LPG code is added to the code as follows:

5.2.8.1 (C) Container marking. When the data plate is missing on an installation of an ASME LP-gas container of over 4,000-gallons (15.2 cubic meters) water capacity, in use at a particular location, the bureau shall allow prior bureau LP-gas inspection reports, or facility information sheets to be adequate proof subject to approval by the bureau. The bureau shall allow the owner and operators to stamp, using non-sparking tools, within 12 inches (30.4 centimeters) of the center of the head, to stamp into the container all available pertinent information including serial number, gallon water capacity, manufacturer, or a number issued by the bureau when complying with this subsection.

R 29.6156 Closure of storage vessels.

Rule 56. Sections 6.6.8, 6.6.8.1, and 6.6.8.2 of the LPG code are added as follows:

6.6.8 Closure of storage tanks. Tanks that are no longer in use for more than 12 months shall be closed.

6.6.8.1 Permanently close an aboveground storage tank. Tanks that are no longer used to store regulated substance shall be permanently closed. To permanently close a tank, the owner or operator shall notify the department, not less than 30 days before the intended closure, on form BFS 3858 provided by the bureau. The tank shall be emptied and disconnected. Piping that is permanently removed from service shall be emptied and capped, or be removed from the ground.

6.6.8.2 Permanent closure of an underground storage tanks. Tanks that are no longer used to store regulated substance shall be permanently closed. To permanently close a tank, the owner or operator shall notify the bureau, not less than 30 days before the actual closure, on form BFS 3858 provided by the bureau. All tanks that are taken out of service permanently shall be removed from the ground or, when a structure above or near the tanks prevents removal, filled with an inert solid material. Piping that is permanently removed from service shall be emptied and capped, or be removed from the ground.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
CORPORATIONS, SECURITIES, AND COMMERCIAL LICENSING BUREAU
FORESTERS
GENERAL RULES

Filed with the Secretary of State on October 9, 2014

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the board by section 308 of 1980 PA 299, MCL 339.308 and on the director of the department of licensing and regulatory affairs by Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, being MCL 445.2001, MCL 445.2011, MCL 445.2025, and MCL 445.2030)

R 339.18001, R 339.18007, R 339.18023, R 339.18025, R 339.18027, R 339.18031, and R 339.18035 are being rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 339.18001 Rescinded.

R 339.18007 Rescinded.

PART 2. REGISTRATION

R 339.18023 Rescinded.

R 339.18025 Rescinded.

R 339.18027 Rescinded.

PART 3. STANDARDS OF CONDUCT

R 339.18031 Rescinded.

R 339.18035 Rescinded.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

CORPORATIONS, SECURITIES, AND COMMERCIAL LICENSING BUREAU

PRIVATE SECURITY GUARD AND SECURITY ALARM AGENCIES

GENERAL RULES

Filed with the Secretary of State on October 9, 2014

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred upon the department of licensing and regulatory affairs executive reorganization order Nos. 2003-1, 2008-4, and 2011-4, MCL 445.2011, MCL 445.2025, and MCL 445.2030.)

R 28.4001, R 28.4002, R 28.4003, R 28.4004, R 28.4005, R 28.4006, and R 28.4007 are being rescinded, as follows:

R 28.4001 Rescinded.

R 28.4002 Rescinded.

R 28.4003 Rescinded.

R 28.4004 Rescinded.

R 28.4005 Rescinded.

R 28.4006 Rescinded.

R 28.4007 Rescinded.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

COSMETOLOGY

Filed with the Secretary of State on October 9, 2014

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the department of licensing and regulatory affairs by sections 308 and 1203 of 1980 PA 299, MCL 339.308 and 339.1203, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, MCL 445.2011, MCL 445.2025, and MCL 445.2030.)

R 338.2101 of the Michigan Administrative Code is amended and R 338.2102, R 338.2122, R 338.2123, R 338.2128, R 338.2135, R 338.2139a, R 338.2141, R 338.2142, R 338.2143, R 338.2144, and R 338.2145 are rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 338.2101 Definitions.

Rule 1. As used in these rules:

- (a) "Act" means 1980 PA 299 MCL 339.101.
- (b) "Apprenticeship practitioner" means a licensee who is approved by the department and who is engaged in training an apprentice within an establishment.
- (c) "Dry sanitizer" means a closed cabinet or container that holds a fumigant chemical sanitizing agent.
- (d) "Minimum practical application" means a service performed on a mannequin, student, or patron.
- (e) "Reactive chemicals" means, but is not limited to, any of the following:
 - (i) Permanent wave solutions.
 - (ii) Relaxers.
 - (iii) Temporary, semipermanent, or permanent hair colorings.
 - (iv) Hair lighteners.
 - (v) Acids.
 - (vi) Bases.
 - (vii) Creams.
 - (viii) Fluids.
- (ix) Any other preparation designed to modify or rearrange the structure of the hair, skin, or nails.
- (f) "Wet sanitizer" means a container that holds a liquid chemical sanitizing agent.

R 338.2102 Rescinded.

PART 2. LICENSES AND PERMITS

R 338.2122 Rescinded.

R 338.2123 Rescinded.

R 338.2128 Rescinded.

PART 3. GENERAL TRAINING ADMINISTRATION

R 338.2135 Rescinded.

R 338.2139a Rescinded.

PART 4. SCHOOL TRAINING PROGRAMS

R 338.2141 Rescinded.

R 338.2142 Rescinded.

R 338.2143 Rescinded.

R 338.2144 Rescinded.

R 338.2145 Rescinded.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFIARS

CORPORATIONS, SECURITIES, AND COMMERCIAL LICENSING BUREAU

COLLECTION AGENCIES

GENERAL RULES

Filed with the Secretary of State on October 9, 2014

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the department of licensing and regulatory affairs by sections 205 and 308 of 1980 PA 299, MCL 339.205 and MCL 339.308, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, being MCL 445.2001, MCL 445.2011, MCL 445.2025, and MCL 445.2030.)

R 339.4001, R 339.4003, R 339.4005, R 339.4007, R 339.4009, and R 339.4011 are being rescinded, as follows:

R 339.4001 Rescinded.

R 339.4003 Rescinded.

R 339.4005 Rescinded.

R 339.4007 Rescinded.

R 339.4009 Rescinded.

R 339.4011 Rescinded.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
CORPORATIONS, SECURITIES, AND COMMERCIAL LICENSING BUREAU
LANDSCAPE ARCHITECTS
GENERAL RULES

Filed with the Secretary of State on October 9, 2014

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the department of licensing and regulatory affairs by sections 205 and 308 of 1980 PA 299, MCL 339.205 and MCL 339.308, and executive reorganization order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, being MCL 445.2001, MCL 445.2011, MCL 445.2025, and MCL 445.2030.)

R 339.19001, R 339.19007, R 339.19027, R 339.19045, and R 339.19049 are being rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 339.19001 Rescinded.

R 339.19007 Rescinded.

PART 2. REGISTRATION

R 339.19027 Rescinded.

PART 4. STANDARDS OF CONDUCT

R 339.19045 Rescinded.

R 339.19049 Rescinded.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

PROFESSIONAL SURVEYORS – GENERAL RULES

Filed with the Secretary of State on October 9, 2014

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the board by section 308 of 1980 PA 299, MCL 339.308 and on the director of the department of licensing and regulatory affairs by section 205 of 1980 PA 299, MCL 339.205, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, MCL 445.2011, MCL 445.2025, and MCL 445.2030)

R 339.17101 and R 339.17403 of the Michigan Administrative Code are amended, and R 339.17103, R 339.17302, and R 339.17404 are rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 339.17101 Definitions.

Rule 101. (1) As used in these rules:

(a) "Continuing education" means an instructional course or activity designed to bring licensees up to date on a particular area of knowledge or skills relevant to a licensee's area of professional practice.

(b) "Course" means any qualifying activity with a clear purpose and objective that will maintain, improve, or expand the skills and knowledge relevant to the licensee's area of professional practice. Regular duties for compensation shall not be considered qualified activities, except for employer compensated continuing education activities.

(c) "Distance learning" means any of the following:

(i) Courses where an instructor and a licensee may be apart and instruction takes place through online or electronic media.

(ii) Courses which include, but are not limited to, instruction presented through interactive classrooms, at the job site, computer conferencing, and interactive computer systems.

(2) Terms defined in the act have the same meanings when used in these rules.

R 339.17103 Rescinded.

PART 3. LICENSURE, RECIPROCITY, AND RENEWAL

R 339.17302 Rescinded.

PART 4. STANDARDS OF PRACTICE AND PROFESSIONAL CONDUCT

R 339.17403 Participation in project; responsibilities; survey identification.

Rule 403. (1) A licensee shall undertake to participate only in those phases of a project in which the licensee is competent. In the areas of a project involving architecture or professional engineering in which the licensee lacks competence, the licensee shall retain licensed professional associates for those phases of that project.

(2) A licensee is responsible for clear, accurate, and complete development of plats, plans, drawings, specifications, survey reports, and other instruments of service as is customary in the practice of the licensee's profession, and the material shall properly satisfy the need for which it is intended.

(3) Surveys and drawings not intended to delineate, monument, or define property boundaries and limits shall be clearly identified as not being boundary surveys.

R 339.17404 Rescinded.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR’S OFFICE

PROFESSIONAL ENGINEERS – GENERAL RULES

Filed with the Secretary of State on October 9, 2014

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the board by section 308 of 1980 PA 299, MCL 339.308 and on the director of the department of licensing and regulatory affairs by section 205 of 1980 PA 299, MCL 339.205, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, MCL 445.2011, MCL 445.2025, and MCL 445.2030)

R 339.16001 and R 339.16025 of the Michigan Administrative Code are amended, and R 339.16003 is rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 339.16001 Definitions.

Rule 1. (1) As used in these rules:

(a) “Continuing education” means an instructional course or activity designed to bring licensees up to date on a particular area of knowledge or skills relevant to a licensee’s area of professional practice.

(b) “Course” means any qualifying activity with a clear purpose and objective that will maintain, improve, or expand the skills and knowledge relevant to the licensee’s area of professional practice. Regular duties for compensation shall not be considered qualified activities, except for employer compensated continuing education activities.

(c) “Distance learning” means any of the following:

(i) Courses where an instructor and a licensee may be apart and instruction takes place through online or electronic media.

(ii) Courses which include, but are not limited to, instruction presented through interactive classrooms, at the job site, computer conferencing, and interactive computer systems.

(2) Terms defined in the act have the same meanings when used in these rules.

R 339.16003 Rescinded.

PART 2. LICENSURE

R 339.16025 Licensure by reciprocity; examination requirements.

Rule 25. (1) For licensure by reciprocity, the board may consider educational requirements equivalent to those in effect in Michigan at the time of primary licensing.

(2) An applicant who holds a valid professional engineering license in another United States jurisdiction may submit verification of 5 years of licensed practice in responsible charge of engineering work acceptable to the board as equivalent to satisfactory completion of the fundamentals of engineering (FE) examination.

(3) An applicant who holds a valid professional engineer's license in another United States jurisdiction may submit verification of 15 years of licensed practice in responsible charge of engineering works acceptable to the board as equivalent to satisfactory completion of the principles and practice of engineering (PE) examination.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

REFUND OF FEES

Filed with the Secretary of State on October 9, 2014

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the department of licensing and regulatory affairs by section 5 of 1979 PA 152, MCL 338.2205 and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 338.3501, 445.2001, 445.2011, 445.2025, and 445.2030)

R 338.941, R 338.942, R 338.943, and R 338.944 of the Michigan Administrative Code are rescinded, as follows:

R 338.941 Rescinded.

R 338.942 Rescinded.

R 338.943 Rescinded.

R 338.944 Rescinded.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR’S OFFICE

OCCUPATIONAL CODE RENEWALS

Filed with the Secretary of State on October 9, 2014

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by section 205 of 1980 PA 299, MCL 339.205, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 339.1002 and R 339.1003 of the Michigan Administrative Code are amended, and R 339.1001 and R 339.1004 are rescinded, as follows:

PART 1. LICENSE AND REGISTRATION RENEWALS

R 339.1001 Rescinded.

R 339.1002 Certain occupations; license and license renewal expiration.

Rule 2. (1) License and license renewals that are issued for the collection practices board, private employment board, real estate board, cosmetology establishments and schools, and mortuary science trainees shall expire annually on the following dates and shall be renewed every year thereafter:

Collection practices.....6/30.
Private employment.....12/31
Real estate.....10/31.
Cosmetology establishments and schools.....8/31.
Mortuary science trainees.....1/31.

(2) Licenses and license renewals that are issued for barber apprentices and student instructors shall be valid for a period of 1 year from the date of issue and may be renewed on the same date thereafter.

R 339.1003 Certain occupations, license or registration renewals; expiration.

Rule 3. (1) Except as provided in R 339.1002 and subrule (2) of this rule, licenses or registrations and license or registration renewals that are issued for foresters, landscape architects, cosmetology, barbers, mortuary science, architects, professional surveyors, professional engineers, hearing aid dealers, accountancy, real estate appraisers, and residential builders and maintenance and alteration contractors shall expire biennially on the following dates and shall be renewed every 2 years thereafter:

Foresters.....5/31.
Residential builders and maintenance and alteration contractors.....5/31.
Landscape architects.....7/31.

Real estate appraisers.....	7/31.
Cosmetology.....	8/31.
Barbers.....	9/30.
Mortuary science.....	10/31.
Architects.....	10/31.
Professional surveyors.....	10/31.
Professional engineers.....	10/31.
Hearing aid dealers.....	11/30.
Accountancy.....	12/31.

(2) A person, firm, or corporation that has been issued a license or registration pursuant to the provisions of article 7 of the act shall renew the license or registration on or before July 31 and shall renew it every 2 years thereafter.

(3) A license or registration that has a limitation may be renewed for a term that is less than the biennial period.

(4) For licenses that are to be renewed biennially, the department may initially renew half of the licenses for 1 year and half of the licenses for 2 years to provide equal numbers of renewals in each fiscal year.

R 339.1004 Rescinded.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

REAL ESTATE BROKERS AND SALESPERSONS - GENERAL RULES

Filed with the Secretary of State on October 9, 2014

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 205 and 308 of 1980 PA 299, MCL 339.205 and 339.308, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 339.22101, R 339.22211, R 339.22327, R 339.22604, R 339.22605, R 339.22617, and R 339.22631 of the Michigan Administrative Code are amended, and R 339.22103, R 339.22209, R 339.22213, R 339.22337, R 339.22615, R 339.22643, R 339.22647, R 339.22651, R 339.22652, R 339.22657, R 339.22659, and R 339.22665 are rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 339.22101 Definitions.

Rule 101. (1) As used in these rules:

- (a) "Classroom" means either:
 - (i) A physical location where educational courses are offered and students and instructor are present.
 - (ii) A location where a student receives instruction through electronic means.
- (b) "Clock hour" means a period of not fewer than 50 minutes of actual classroom instruction, not including outside assignments and reading. For distance learning systems, "clock hour" means the amount of material a student can process in 50 minutes of computerized instruction.
- (c) "Code" means 1980 P.A. 299, MCL 339.101 et seq.
- (d) "Coordinator" means the individual who assumes the responsibility under these rules for offering approved courses.
- (e) "Distance learning" means either of the following:
 - (i) Approved courses where instructor and student may be apart and instruction takes place through other media.
 - (ii) Approved courses which include but are not limited to instruction presented through interactive classrooms, computer conferencing, and interactive computer systems and which fulfill the requirements of section 2504(4) of the code.
- (f) "Instructor" means an individual who assumes responsibility under these rules for instructing an approved course. Instructors shall possess at least 1 of the following minimum qualifications:
 - (i) Be an instructor of real estate courses who is or has been engaged in the practice of teaching at an accredited institution of higher learning.

(ii) Be a person properly licensed or certified by the department or other governmental agency who is engaged in the real estate aspects of appraising, financing, marketing, brokerage management, real property management, real estate counseling, real property law, or other related subjects.

(iii) Be a person who possesses alternative qualifications approved by the department, and is qualified by experience, education, or both to supervise and instruct a course of study.

(g) "Prelicensure real estate course" or "prelicensure course" means a course that is represented to the public as fulfilling, in whole or in part, the requirements of section 2504(1) and (2) of the code.

(h) "Real estate school" or "institution" means an approved entity which represents to the public that any of its courses fulfill, in whole or in part, the requirements of section 2504(1) and (2) of the code for prelicensure education. The entity shall also meet the requirements as set forth in section 2504(8) of the code.

(i) "Sponsor" means a person, as defined in section 105(5) of the code, and approved as determined by the department, which represents to the public that any of its courses fulfill the requirements of section 2504(4) of the code for continuing education.

(2) Terms defined in sections 103, 105, and 2501 of the code have the same meanings when used in these rules.

R 339.22103 Rescinded.

PART 2. LICENSING

R 339.22209 Rescinded.

R 339.22211 Transfer of salespersons or non-principal associate brokers license; transfer of pocket card and wall license.

Rule 211. Upon receipt of the completed application for transfer to a new broker, the proper fees, and the old license, the department shall consider the pocket card proper evidence of licensing for 45 days from the latest date written on the back of the card. If the applicant is notified that the application is incomplete, or the broker to whom he or she is transferring is not licensed, the pocket card shall no longer be valid and the applicant shall wait until the new broker receives the wall license and pocket card before engaging in regulated activities.

R 339.22213 Rescinded.

PART 3. PRACTICE AND CONDUCT

R 339.22327 Display of broker license; pocket card.

Rule 327. A broker, associate broker, or salesperson shall not serve in such capacity without having received his or her license and pocket card or a temporary license. A licensee shall not render services without having, on his or her person, a pocket card or temporary license issued by the department.

R 339.22337 Rescinded.

PART 6. REAL ESTATE EDUCATION SUBPART 1. GENERAL PROVISIONS

R 339.22604 Student records; content; inspection.

Rule 604. (1) Each approved real estate school and each real estate continuing education sponsor shall establish and maintain a record for each student.

(2) Student records shall contain all of the following information:

- (a) The student's name and address.
- (b) The number of clock hours attended.
- (c) The student's grade, if an examination is required to determine successful completion of the course.
- (d) The date of course completion.
- (e) The last 4 digits of the student's social security number.
- (f) The student's date of birth.
- (g) The real estate license identification number, if applicable.

(3) All records shall be available for inspection during normal business hours by an authorized representative of the department, if the inspection does not violate a law.

(4) A real estate school or sponsor shall maintain records in the following manner:

- (a) Records of schools shall be maintained permanently.
- (b) Records of sponsors shall be maintained for a minimum of 6 years from inception date of the record.

(5) A real estate school or sponsor shall issue a certificate of completion to a student who successfully completes an approved real estate course. The certificate shall include all of the following information:

- (a) The date of course completion.
- (b) Identification of the course attended, including the following:
 - (i) The name of the course, as approved by the department.
 - (ii) For continuing education sponsors, the course approval numbers, as assigned by the department.
- (c) The name and approval number of the school or sponsor.
- (d) The name of the student. Continuing education sponsors shall also include the licensee's real estate license identification number.
- (e) The number of clock hours completed by the student.

(6) Each student or licensee completing a prelicensure or continuing education course shall present a state-issued photo identification or acceptable alternative form of photo identification to the school or sponsor before receiving the certificate of completion. Both of the following apply:

(a) For courses conducted in a traditional classroom setting, students or licensees shall present a state-issued photo identification or other acceptable alternative form of identification that verifies, to the satisfaction of the school or sponsor, the identification of the student or licensee.

(b) For courses conducted through distance education, the school or sponsor shall ensure that the student or licensee whose attendance is reported to the department is the same person who completed the distance education course. The school or sponsor shall take appropriate measures to ensure accurate verification of the identity of each student or licensee before reporting course completion to the department.

(7) At least 30 days before courses are held, schools and sponsors shall submit to the department a schedule and geographic location for each course.

(8) Within 5 business days of the conclusion of the last course, schools and sponsors shall submit, in a format required by the department, the names of students who have successfully completed an approved course.

R 339.22605 Submissions with application for approval.

Rule 605. A submission for course approval shall contain an application as approved by the department.

R 339.22615 Rescinded.

R 339.22617 Denial, suspension, or rescission of approval to offer courses; violation of code or rules.

Rule 617. A real estate school, sponsor or instructor may be subject to the penalties of section 602 of the code, including disciplinary action against a course approval, for any of the following reasons:

- (a) Failure to comply with the provisions of the code or these rules.
- (b) Revealing or attempting to discover, or soliciting, encouraging, or inducing a person to reveal, the questions on a real estate license examination administered by or on behalf of the department.
- (c) Making a substantial misrepresentation regarding a real estate school, sponsor, or course of study.
- (d) Making a false promise of a character likely to influence, persuade, or induce regarding a sponsor, real estate school or course of study.
- (e) Pursuing a continued and flagrant course of misrepresentation or the making of false promises through agents, salespersons, advertising, or otherwise.

SUBPART 2. PRELICENSURE COURSES

R 339.22631 Application for approval to offer prelicensure courses; forms; required information.

Rule 631. (1) A real estate school shall submit an application for approval, as determined by the department, for prelicensure courses. The application shall include, but not be limited to, all of the following information:

- (a) The school name, business address, telephone number, facsimile number, website address, and e-mail address, if applicable.
 - (b) The course title.
 - (c) The names, addresses, telephone numbers and qualifications of instructors.
 - (d) A summary of topics completed for each prelicensure course to be taught, including the number of hours allocated to each topic.
 - (e) A sample certificate of completion that meets the requirements of R 339.22604(5).
 - (f) Methodology for verifying and monitoring attendance.
- (2) A change in the information on the application forms shall be reported to the department within 30 days of the change. The department shall accept or reject a change within 60 days of notification of the change.
- (3) In order to maintain course approval, a renewal application approved by the department shall be submitted to the department at least 60 days prior to expiration of the course approval.

R 339.22643 Rescinded.

R 339.22647 Rescinded.

SUBPART 3. CONTINUING EDUCATION COURSES

R 339.22651 Rescinded.

R 339.22652 Rescinded.

R 339.22657 Rescinded.

R 339.22659 Rescinded.

R 339.22665 Rescinded.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

PERSONNEL AGENCY

GENERAL RULES

Filed with the Secretary of State on October 9, 2014

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(By authority conferred on the board by section 308 of 1980 PA 299, MCL 339.308, and on the director of the department of licensing and regulatory affairs by section 205 of 1980 PA 299, MCL 339.205, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 339.5001, R 339.5005, R 339.5021, R 339.5023, R 339.5031, R 339.5033, R 339.5035, R 339.5037, and R 339.5039 of the Michigan Administrative Code are rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 339.5001 Rescinded.

R 339.5005 Rescinded.

PART 2. LICENSING

R 339.5021 Rescinded.

R 339.5023 Rescinded.

PART 3. STANDARDS OF CONDUCT

R 339.5031 Rescinded.

R 339.5033 Rescinded.

R 339.5035 Rescinded.

R 339.5037 Rescinded.

R 339.5039 Rescinded.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

HEARING AID DEALERS

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(By authority conferred on the director of the department of licensing and regulatory affairs by sections 205 and 308 of 1980 PA 299, MCL 339.205 and 339.308, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 338.1901, R 338.1905, R 338.1908, R 338.1909, R 338.1910, R 338.1911, R 338.1912, R 338.1913, R 338.1921, and R 338.1922 of the Michigan Administrative Code are rescinded, as follows:

PART 1. LICENSING

R 338.1901 Rescinded.

R 338.1905 Rescinded.

R 338.1908 Rescinded.

R 338.1909 Rescinded.

R 338.1910 Rescinded.

R 338.1911 Rescinded.

R 338.1912 Rescinded.

R 338.1913 Rescinded.

PART 2. CONDUCT OF BUSINESS

R 338.1921 Rescinded.

R 338.1922 Rescinded.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

PROPRIETARY SCHOOLS

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These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the department of licensing and regulatory affairs by sections 2a and 2b of 1943 PA 148, MCL 395.102a and 395.102b and Executive Reorganization Nos. 1996-7, 1999-7, 1999-1, 2003-1, 2008-4, and 2011-4, MCL 388.994, 388.995, 408.40, 445.2011, 445.2025, and 445.2030.)

R 390.561, R 390.562, R 390.562a, R 390.564, and R 390.569 of the Michigan Administrative Code are amended, and R 390.563, R 390.564a, R 390.565, and R 390.567 are rescinded, as follows:

R 390.561 Definitions.

Rule 1. As used in these rules:

- (a) "Board" means the state board of education.
- (b) "Full-time equated students" means a student or combination of students enrolled in regular attendance and receiving a full course of instruction with the total clock hours as prescribed by the school.
- (c) "Public assembly site" means a site located in a public educational institution or located in a public meeting area suitable for instruction.
- (d) "School" means a proprietary school as defined in section 1a of the act. "School" does not include an educational institution or educational training program that is maintained or provided by an employer, without charge, to its employees or anticipated employees.

R 390.562 Licensing procedure.

- (1) Housing and facilities shall conform to standards specified by the appropriate local and state authorities.
- (2) The department shall issue an applicant school a permit for a 12-month period before issuing a license. A permit authorizes the applicant to offer specific programs at a definite location under the management as stated on an application. A separate permit is required for each location at which instruction is offered, except a school may offer instruction at an auxiliary classroom or a public assembly site without obtaining a separate permit for that location.

R 390.562a Surety.

Rule 2a. (1) If surety is terminated, the school's license or permit shall expire if a surety is not secured to replace the expired surety. Notification, in writing, shall be given by the school to the department if surety is to expire or be terminated and not replaced.

(2) A school shall not enroll students following notice of cancellation of surety unless another form of surety has been provided.

(3) A surety shall be provided by a school in an amount determined according to the following:

(a) An accredited school shall provide evidence of surety of not less than \$5,000.00 for 1 to 100 full-time equated students, not less than \$7,500.00 for 101 to 500 full-time equated students, and not less than \$10,000.00 for 501 to 1,000 or more full-time equated students.

(b) A nonaccredited school shall provide evidence of surety in an amount equal to \$200.00 per student, but not less than \$5,000.00.

R 390.563 Rescinded.

R 390.564 Standards for operation.

Rule 4. (1) Data relative to the education, training, and experience of the administrative, supervisory, and instructional staff shall be submitted, on forms provided by the department, for evaluation as to the competency to instruct or supervise instruction in the subjects assigned. Instructional personnel shall have backgrounds of appropriate education or appropriate experience in the substantive field which they are assigned to teach. Instructional personnel who teach in a field requiring a certificate or license shall possess such a certificate or license.

(2) The student's application form and contract shall correspond with the catalog furnished to the student. Any modification of the student's application and contract, as contained in the catalog, shall be agreed to, in writing, by all parties. The refund policy shall be stated in the contract.

(3) Student records, except records of grades, including enrollment data, payment of fees, attendance, progress, awards, interviews, and placement, shall be maintained for not less than 3 years following graduation. A student's grade records and transcripts shall be retained in perpetuity by the school and shall be available upon his or her request. A school that is no longer operating shall turn over its student records to the board.

(4) The class load for instruction shall be consistent with approved educational practices. A program shall not be offered unless approved by the department.

(5) Courses of instruction shall extend over a sufficient period to meet standards of trade and business practices. Outlines of lessons, units, or projects shall be available to the department.

(6) Equipment and materials shall meet local and state fire, health, safety, and sanitation requirements.

(7) A school shall notify the department before a change in location.

R 390.564a Rescinded.

R 390.565 Rescinded.

R 390.567 Rescinded.

R 390.569 Fees.

Rule 9. (1) An applicant for a temporary permit shall pay a fee of \$1,000.00 for each temporary permit issued. An out-of-state applicant for a new license shall pay a fee of \$400.00 for each new license issued. The department shall adjust fees annually and index the fees to the Detroit consumer price index, as published by the department of labor statistics, United States department of labor.

(2) An applicant for renewal of a license shall pay a fee of \$300.00 for each renewal license issued if a total of 25 or fewer students started a program during the period July 1 to June 30 immediately preceding the license renewal date. An applicant for a renewal of a license for a proprietary school shall pay a renewal fee based on the following schedule of students who started licensed programs:

- (a) 26 to 50 students \$500.00.
- (b) 51 to 100 students 600.00.
- (c) 101 to 150 students 700.00.
- (d) 151 to 200 students 800.00.
- (e) 201 to 250 students. 900.00.
- (f) 251 to 300 students 1,000.00.
- (g) 301 to 350 students 1,100.00.
- (h) 351 to 400 students 1,200.00.
- (i) 401 to 450 students 1,300.00.
- (j) 451 to 500 students 1,400.00.
- (k) More than 500 students 1,500.00.

The department shall adjust fees annually and shall index the fees to the Detroit consumer price index, as published by the department of labor statistics, United States department of labor.

(3) An applicant for renewal of a license shall pay a late payment fee of \$50.00 if the license is not renewed within 30 days after the due date.

(4) A school that moves to a new location after the initial license was issued shall pay a fee of \$300.00 for approval of each change of location.

(5) A school that submits a request for approval of a new curriculum to be added to its license shall pay a fee of \$500.00 for approval of each new curriculum.

(6) A school that submits a request for a change of school name on its license will pay a fee of \$200.00.

(7) A student who requested a copy of a transcript from a closed school will pay a fee of \$15.00.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CARNIVAL AND AMUSEMENT SAFETY

GENERAL RULES

Filed with the Secretary of State on October 9, 2014

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on director of the department of licensing and regulatory affairs by section 6 of 1966 PA 225, MCL 408.656, and Executive Reorganization Orders Nos. 1991-9, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 338.3501, 445.2001, 445.2011, 445.2025, and 445.2030.)

R 408.803, R 408.839, R 408.848, R 408.873, and R 408.897 of the Michigan Administrative Code are amended, and R 408.801, R 408.806, R 408.813, R 408.819, R 408.821, R 408.824, R 408.825, R 408.826, R 408.827, R 408.830, R 408.849, R 408.851, R 408.852, R 408.856, R 408.871, R 408.877, R 408.881, R 408.882, R 408.883, R 408.885, R 408.886, R 408.887, R 408.891, R 408.891a, R 408.893, and R 408.895 are rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 408.801 Rescinded.

R 408.803 Definitions.

Rule 3. As used in these rules:

(a) "Aerial passenger tramway" means any of the following devices used to transport passengers:

(i) "Single and double reversible aerial tramways" which means devices in which passengers are carried in 1 or more enclosed cars that reciprocate between terminals.

(ii) "Chair lift, gondola lift, and monorail" means a device in which passengers are carried on chairs, cars, or in gondola cabs attached to and suspended from a moving wire rope or attached to a moving wire rope or chain and supported on a standing wire rope, rail, or other structure.

(b) "Amusement park" means a tract or area used principally as a permanent location for carnival-amusement rides.

(c) "Major breakdown" means a stoppage of operation from whatever cause resulting in damage, failure, or breakage of a structural or stress-bearing part of a ride.

R 408.806 Rescinded.

R 408.813 Rescinded.

R 408.819 Rescinded.

PART 2. DESIGN, CONSTRUCTION, AND OPERATION

R 408.821 Rescinded.

R 408.824 Rescinded.

R 408.825 Rescinded.

R 408.826 Rescinded.

R 408.827 Rescinded.

R 408.830 Rescinded.

R 408.839 Gravity rides.

Rule 39. A ride which is installed on an inclined surface, which depends on gravity for its operation to convey a passenger from the top of the incline to the bottom, and which conveys a passenger in or on a carrier, tube, bag, bathing suit, or clothes shall, in addition to other applicable rules, be in compliance with all of the following provisions:

(a) The frequency of departure of carriers from the loading area shall be controlled by a ride operator. The minimum distance or time between departures shall be determined by the director.

(b) The ride shall have an operator located at the loading area and an attendant at the unloading area.

(c) If the entire ride is not visible to the operator, then additional persons shall be located at other stations along the ride to assure complete surveillance of the entire ride. Two-way communication shall be provided between the operator and other attendants of the ride.

R 408.848 Control and operation.

Rule 48. (1) A ride shall be operated by a person who is trained to operate the ride. The operator of a ride designed for the exclusive use of children and the operator of other rides for which the operator does not have mechanical or electrical controls shall be not less than 16 years of age. For all other rides, an operator shall be not less than 18 years of age.

(2) An operator shall have knowledge of the use and function of normal operating controls, signal systems, and safety devices applicable to the ride and of the proper use, function, capacity, and speed of the particular ride at all times that it is being operated. When the ride is shut down, provision shall be made to prevent the ride from being operated by the public. A person other than a trained operator shall not be permitted to handle the controls of a ride during normal operation, except where the ride is designed to be controlled by the passenger.

R 408.849 Rescinded.

R 408.851 Rescinded.

R 408.852 Rescinded.

R 408.856 Rescinded.

PART 3. PROCEDURES

R 408.871 Rescinded.

R 408.873 Inspection and authorization to operate individual rides.

Rule 73. No person shall operate a ride unless it has been inspected and an authorization to operate has been issued to that person by the department. However, a ride inspected and covered by a valid authorization to operate in the preceding year may continue to operate until further inspected.

R 408.877 Rescinded.

R 408.881 Rescinded.

R 408.882 Rescinded.

R 408.883 Rescinded.

R 408.885 Rescinded.

R 408.886 Rescinded.

R 408.887 Rescinded.

R 408.891 Rescinded.

PART 4. PARTICIPATORY RIDES--GO-KARTS

R 408.891a Rescinded.

R 408.893 Rescinded.

R 408.895 Rescinded.

R 408.897 Remote idle system.

Rule 97. (1) Effective May 1, 2000, each go-kart shall be equipped with a receiver for a remote idle system. A go-kart ride attendant shall control the remote idle system.

(2) If the remote idle system becomes inoperable and requires repair, then the track owner-operator shall make a written request to operate the go-kart rides until the repair is completed. The duration of the repair period shall not be more than 30 days.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

SKI AREA SAFETY - GENERAL RULES

Filed with the Secretary of State on October 9, 2014

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by section 6 of 1962 PA 199, MCL 408.326; and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 338.3501, 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.90 of the Michigan Administrative Code is amended, and R 408.61, R 408.67, R 408.70, R 408.75, R 408.76, and R 408.79 are rescinded, as follows:

R 408.61 Rescinded.

R 408.67 Rescinded.

R 408.70 Rescinded.

R 408.75 Rescinded.

R 408.76 Rescinded.

R 408.79 Rescinded.

R 408.90 Ski lift accident or breakdown; report; securing scene of accident.

Rule 30. (1) An operator shall immediately report to the department an accident involving a ski lift that results in serious injury to, or the death of, a person, including an employee, or a breakdown resulting from the structural, mechanical, electrical, or operational failure of a ski lift.

(2) If a ski lift is removed from service by the director, the director shall order an immediate investigation by the department.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

RESIDENTIAL BUILDERS AND MAINTENANCE AND ALTERATION CONTRACTORS

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(By authority conferred on the board by section 308 of 1980 PA 299, MCL 339.308, and on the director of the department of licensing and regulatory affairs by sections 205 and 2404b of 1980 PA 299, MCL 339.205 and 339.2404b, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 338.1521, R 338.1532, and R 338.1534 of the Michigan Administrative Code are amended, and R 338.1511, R 338.1521a, R 338.1524, and R 338.1531 are rescinded, as follows:

PART 1. GENERAL

R 338.1511 Rescinded.

PART 2. LICENSES AND BONDS

R 338.1521 Applications for licenses

Rule 21. (1) If an applicant fails to complete all application requirements, including information requested by the department, and any required examination, within 1 year from date of first making application to the department, then the application shall be void and the application processing fee shall be forfeited.

(2) A passing score on an examination, or on a portion of an examination if the examination is given in separate parts, shall be valid for 1 year from the date the examination or portion of the examination was passed.

R 338.1521a Rescinded.

R 338.1524 Rescinded.

PART 3. OPERATIONS OF LICENSEES

R 338.1531 Rescinded.

R 338.1532 Advertising.

Rule 32. (1) A licensee shall include the name, license number, and actual business address, as shown on the license, in all advertising. The use of a telephone or post office box number alone is prohibited. When sales of new homes are being made by a licensed builder, through a licensed real estate broker, advertisements may indicate the broker's name or both the names of the builder and broker.

(2) A licensee shall not solicit any contract for home improvements by a promise to the purchaser or the prospective purchaser of a bonus, whether of merchandise or cash, which is contingent upon the purchaser's or prospective purchaser's using or displaying a dwelling to a third person or upon the licensee's obtaining an order or orders for merchandise or service from a third person.

R 338.1534 Books and records.

Rule 34. A builder or contractor shall keep and maintain a complete, accurate set of books and records.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

CORPORATIONS, SECURITIES, AND COMMERCIAL LICENSING BUREAU

FORENSIC POLYGRAPH EXAMINERS

GENERAL RULES

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(By authority conferred on the department by section 7 of 1972 PA 295, MCL 338.1707, and Executive Reorganization Orders Nos. 1980-1, 1991-9, 2007-18, 2008-4, and 2011-4, MCL 16.732, 338.3501, 445.2024, 445.2025, and 445.2030)

R 338.9004 and R 338.9013 of the Michigan Administrative Code are amended, and R 338.9001, R 338.9002, R 338.9003, R 338.9006, R 338.9007, R 338.9008, R 338.9009, R 338.9010, R 338.9011, and R 338.9012 are rescinded, as follows:

R 338.9001 Rescinded.

R 338.9002 Rescinded.

R 338.9003 Rescinded.

R 338.9004 Disclosure of information divulged during polygraph examination; written report required upon request; disclosure of professional opinion.

Rule 4. (1) A person who monitors an examination shall not disclose to any person, except the person requesting the examination, any information divulged by the examinee during a polygraph examination without first obtaining specific written consent from the examinee, unless otherwise required to do so by law.

(2) An examiner shall, upon the written request of the examinee or the person requesting the examination, prepare a written report of the examination, which shall contain all of the following:

(a) A statement of the objectives of the polygraph examination.

(b) The number of questions asked and the number of tests conducted during the examination which were relevant to the issues that the examinee agreed to be examined upon.

(c) The examiner's opinion as to the truthfulness or deception of the examinee, or the examiner's statement that he or she was not able to reach a conclusion about the examinee's truthfulness or deception.

(3) Upon the examinee's written request, the examiner shall furnish the examinee a written report of the examination. The report shall include the information indicated in subrule (2) of this rule.

(4) An examiner, an employee of an examiner, or other persons shall not divulge any information revealed by an examinee during an examination in explaining or responding to control questions introduced for diagnostic comparison purposes without first obtaining the written consent of the examinee. However, this shall not be construed as prohibiting lawful disclosure or use of any information concerning additional admissions or explanations volunteered by the examinee during the examination where such admissions or explanations are not responsive to control questions.

R 338.9006 Rescinded.

R 338.9007 Rescinded.

R 338.9008 Rescinded.

R 338.9009 Rescinded.

R 338.9010 Rescinded.

R 338.9011 Rescinded.

R 338.9012 Rescinded.

R 338.9013 Examiner licensure.

Rule 13. An application for licensure shall be made on a form furnished by the department of licensing and regulation.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

REAL ESTATE APPRAISERS - GENERAL RULES

Filed with the Secretary of State on October 9, 2014

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 205, 308, 2605, and 2617 of 1980 PA 299, MCL 339.205, 339.308, 339.2605, and 339.2617, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4 and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 339.23101 and R 339.23102 of the Michigan Administrative Code are amended, and R 339.23103 and R 339.23201 are rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 339.23101 Definitions.

Rule 101. (1) As used in these rules:

(a) "Transaction value" means any of the following:

(i) For loans or other extensions of credit, the amount of the loan or the extension of credit.

(ii) For sales, leases, purchases, and investments, or in exchanges of real property, the market value of the real property interest involved.

(iii) For the pooling of loans or interests in real property for resale or purchase, the amount of the loan or market value of the real property calculated with respect to each such loan or interest in real property.

(2) Terms defined in articles 1 to 6 and 26 of the act have the same meanings when used in these rules.

R 339.23102. Adoption by reference.

Rule 102. The board adopts the 2012-13 edition of the uspap, effective January 1, 2012. Copies of the uspap are available at a cost at the time of adoption of these rules of \$75.00 plus \$10.50 for shipping from the Appraisal Foundation, 1155 15th Street NW, Suite 1111, Washington DC, 20005. Mail orders are available at the following address: P.O. Box 381, Annapolis Junction, MD 20101-0381, toll-free phone: 800/348-2831 or regular phone: 240/646-7010. The uspap and previous editions may be reviewed at the bureau of commercial services, 2501 Woodlake Circle, Okemos Michigan 48864. The current edition may be purchased from the department of licensing and regulatory affairs by mailing to the bureau at P.O. Box 30018, Lansing MI 48909, phone: 517/241-9201, at a cost as of the time of adoption of these rules of \$75.00 plus \$10.50 for shipping and handling costs.

R 339.23103 Rescinded.

PART 2. LICENSING

R 339.23201 Rescinded.

**PROPOSED ADMINISTRATIVE RULES,
NOTICES OF PUBLIC HEARINGS**

MCL 24.242(3) states in part:

“... the agency shall submit a copy of the notice of public hearing to the Office of Regulatory Reform for publication in the Michigan register. An agency's notice shall be published in the Michigan register before the public hearing and the agency shall file a copy of the notice of public hearing with the Office of Regulatory Reform.”

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

** * **

(d) Proposed administrative rules.

(e) Notices of public hearings on proposed administrative rules.”

ADMINISTRATIVE RULES

**DEPARTMENT OF ~~CONSUMER AND INDUSTRY SERVICES~~ LICENSING AND
REGULATORY AFFAIRS**

~~BUREAU OF SAFETY AND REGULATION~~ DIRECTOR'S OFFICE

OCCUPATIONAL HEALTH STANDARDS COMMISSION

Proposed Draft October 6, 2014

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of **licensing and regulatory affairs** ~~consumer and industry services~~ by sections **14 and 24** of 1974 PA 154, **MCL 408.1014 and 408.1024 and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030** ~~MCL 408.1024, and Executive Reorganization Order Nos. 1996-1 and 1996-2, MCL 330.3101 and 445.2001~~)

R 325.51501, R 325.51502, R 325.51505, R 325.51507, R 325.51508, R 325.51509, R 325.51510, R 325.51511, R 325.51513, R 325.51516, R 325.51517, R 325.51519, R 325.51520, R 325.51521, R 325.51522, R 325.51523, R 325.51524, R 325.51525, and R 325.51526 of the Michigan Administrative Code are amended, R 325.51501a and R 325.51519a are added, R 325.51504 and R 325.51527 are rescinded, as follows:

PART 307. ACRYLONITRILE (~~AN~~)

R 325.51501. **Scope and application.** ~~Applicability.~~

Rule 501. (1) ~~The These rules in this part~~ apply to all occupational exposures to acrylonitrile (AN), chemical abstracts service registry no. 000107131, except **as provided in subrules (2) and (3) of this rule.** ~~that these rules do not apply to exposures which result solely from the processing, use, and handling of the following materials:~~

(2) The rules in this part do not apply to exposures that result solely from the processing, use, and handling of the following materials:

(a) Acrylonitrile-butadiene-styrene (**ABS**) resins, Styreneacrylonitrile (**SAN**) resins, nitrile barrier resins, solid nitrile elastomers, and acrylic and modacrylic fibers in the form of finished polymers, including products fabricated from such finished polymers.

(b) Materials made from or containing AN, or both, for which objective data is reasonably relied upon to demonstrate that the material is not capable of releasing AN in airborne concentrations of more than 1 part per million (ppm) as an 8-hour, time-weighted average under the expected conditions of processing, use, and handling which cause the greatest possible release.

(c) Solid materials made from or containing AN, or both, which will not be heated above 170 degrees Fahrenheit during handling, use, or processing.

~~(3)(2)~~ An employer who relies on the exemption in subrule ~~(4)~~ **(2)(b)** of this rule shall maintain records of the objective data supporting that exemption and of the basis of the employer's reliance on the data, as provided in **R 325.51521**. ~~rule 521.~~

R 325.51501a. Referenced standards.

Rule 1a. (1) The following Michigan occupational safety and health standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan 48909-8143, or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, at the time of adoption of these rules, is 4 cents per page.

(a) General Industry Safety Standard Part 33 "Personal Protective Equipment," R 408.13301 to R 408.13398.

(b) Occupational Health Standard Part 430 "Hazard Communication," R 325.77001 to R 325.77003.

(c) Occupational Health Standard Part 433 "Personal Protective Equipment," R 325.60001 to R 325.60013.

(d) Occupational Health Standard Part 451 "Respiratory Protection," R 325.60051 to R 325.60052.

(e) Occupational Health Standard Part 470 "Employee Medical Records and Trade Secrets," R 325.3451 to R 325.3476.

(f) Occupational Health Standard Part 474 "Sanitation," R 325.47401 to R 325.47427.

(2) Appendices A, B, C, and D to these rules are informational only and are not intended to create any additional obligations or requirements not otherwise imposed by these rules or to detract from any established obligations or requirements.

R 325.51502. Definitions.

Rule 502. ~~(4)~~ As used in these rules:

(1)(a) "Acrylonitrile" or "AN" means acrylonitrile monomer, chemical formula $\text{CH}_2=\text{CHCN}$.

(2)(b) "Act" means ~~Act No. 154 of the Public Acts of 1974~~ **PA 154**, as amended, being ~~§ MCL 408.1001 to MCL 408.1094 et seq. of the Michigan Compiled Laws.~~

(3)(e) "Action level" means a concentration of AN of 1 ppm as an 8-hour, time-weighted average.

(4)(d) "Authorized person" means any person specifically authorized by the employer whose duties require the person to enter a regulated area, or any person entering such an area as a designated representative of employees for the purpose of exercising the opportunity to observe monitoring procedures under R 325.51526.

(5)(e) "Decontamination" means the treating of materials and surfaces by water washdown, ventilation, or other means to assure that the materials will not expose an employee to airborne concentrations of AN of more than 1 ppm.

(6)(f) "Director" means the director of the Michigan department of **licensing and regulatory affairs** ~~consumer and industry services~~ or his or her designee.

(7)(g) "Emergency" means any occurrence, such as, equipment failure, rupture of containers, or failure of control equipment, which results in an unexpected massive release of AN.

~~(8)(h)~~ “Liquid AN” means AN monomer in liquid form and liquid or semiliquid polymer intermediates, including slurries, suspensions, emulsions, and solutions which are produced during the polymerization of AN.

~~(i) “O.H. rule” means an occupational health rule adopted by reference pursuant to section 14 of the act or promulgated pursuant to section 24 of the act. Copies of these rules are available from the Michigan department of consumer and industry services.~~

R 325.51504. **Rescinded.** ~~Regulated areas; report of information; emergency report; additional information.~~

~~Rule 504. (1) Within 30 days following the establishment of a regulated area pursuant to rule 506, the employer shall report all of the following information to the director:~~

~~(a) The address and location of each establishment which has 1 or more regulated areas.~~

~~(b) The locations within the establishment which has 1 or more regulated areas.~~

~~(c) A brief description of each process or operation which results in employee exposure to AN in a regulated area.~~

~~(d) The number of employees engaged in each process or operation within each regulated area which results in exposure to AN, and an estimate of the frequency and degree of exposure that occurs.~~

~~(2) If there is a significant change in the information required to be reported by this rule, an employer shall promptly provide the new information to the director.~~

~~(3) Emergencies, and the facts obtainable at the time of the emergency, shall be reported to the director within 72 hours of the initial occurrence. Upon request of the director, an employer shall submit additional information in writing relevant to the nature and extent of employee exposures and the measures taken to prevent future emergencies of a similar nature.~~

R 325.51505. Employee exposure; determination of airborne exposure levels; employer monitoring of airborne concentrations; monitoring exposure below action level; monitoring exposure at or above action level; monitoring exposure of more than permissible limits; additional monitoring; written notice to employee of exposure level; measurement accuracy.

Rule 505. (1) For the purposes of these rules, employee exposure is that exposure which would occur if the employee were not using a respirator.

(2) Determinations of airborne exposure levels shall be made from air samples that are representative of each employee’s exposure to AN over an 8-hour period.

(3) An employer who has a place of employment in which AN is present shall monitor each such workplace and work operation to accurately determine the airborne concentrations of AN to which an employee may be exposed.

(4) If the monitoring required by these rules reveals that employee exposure is below the action level, an employer may discontinue monitoring for that employee.

(5) If the monitoring required by these rules reveals that employee exposure is at or above the action level but below the permissible exposure limits, an employer shall repeat such monitoring for each affected employee at least once every ~~6~~ 3 months. An employer shall continue these ~~quarterly~~ measurements **every 6 months** until not less than 2 consecutive measurements, taken not less than 7 days apart, are below the action level, and thereafter the employer may discontinue monitoring for that employee.

(6) If the monitoring required by these rules reveals that employee exposure is in excess of the permissible exposure limits, an employer shall repeat these determinations for each such employee at least ~~quarterly once a month~~. An employer shall continue these ~~quarterly monthly~~ measurements until

not less than 2 consecutive measurements, taken not less than 7 days apart, are below the permissible exposure limits, and thereafter an employer shall monitor at least once every ~~6~~ 3 months.

(7) If there is a production, process, control, or personnel change which may result in new or additional exposures to AN, additional monitoring that complies with **these rules** ~~this~~ shall be conducted.

(8) Within ~~15~~ 5 working days after the receipt of the results of monitoring required by these rules, an employer shall notify each employee in writing of the results of these rules which represent that employee's exposure.

(9) If the results indicate that the representative employee exposure exceeds the permissible exposure limits, an employer shall include in the written notice a statement that the permissible exposure limits were exceeded and a description of the corrective action being taken to reduce exposure to or below the permissible exposure limits.

(10) The method of measurement of employee exposure shall be accurate to a confidence level of 95% to within plus or minus 35% for concentrations of AN at or above the permissible exposure limits, and plus or minus 50% for concentrations of AN below the permissible exposure limits.

R 325.51507. Engineering and work practice controls to control employee exposure.

Rule 507. (1) An employer shall institute engineering and work practice controls to reduce and maintain employee exposures to AN at or below the permissible exposure limits, except to the extent that an employer establishes that such controls are not feasible.

(2) If the engineering and work practice controls that can be instituted are not sufficient to reduce employee exposures to or below the permissible exposure limits, an employer shall nonetheless use them to reduce exposures to the lowest levels achievable by these controls and shall supplement the controls by the use of respiratory protection ~~that which~~ complies with the requirements of **R 325.51509.** ~~rule 509.~~

R 325.51508. Employee exposure; written program to reduce exposure by means of engineering and work practice controls required; content; completion of program; availability; revision and update.

Rule 508. (1) An employer shall establish and implement a written program to reduce employee exposures to or below the permissible exposure limits solely by means of engineering and work practice controls, as required by **R 325.51507.** ~~rule 507.~~

(2) A written program shall include, at a minimum, all of the following:

(a) A description of each operation or process resulting in employee exposure to AN above the permissible exposure limits.

(b) An outline of the nature of the engineering controls and work practices to be applied to the operation or process in question.

(c) A report of the technology considered for meeting the permissible exposure limit.

~~(d) A schedule for implementation of engineering and work practice controls for the operation or process. The schedule shall project completion not later than November 2, 1980.~~

~~(d)(e)~~ Other relevant information.

(3) An employer shall complete the steps set forth in the written program by the dates in the schedule.

(4) A written program shall be submitted to the director upon request and shall be available at the worksite for examination and copying by the director or any affected employee or representative.

(5) The written program required by this rule shall be revised and updated at least **annually** ~~once every 6 months~~ to reflect the current status of the program.

R 325.51509. Respiratory protection.

Rule 509. (1) For employees who use respirators required by these rules, the employer shall **select and provide each employee an appropriate** respirators that **complies** ~~comply~~ with the requirements of **these rules.** ~~this rule.~~ **An employer shall ensure that employees use** respirators ~~must be used~~ during **all of the following:**

- (a) Periods necessary to install or implement feasible engineering and work practice controls.
- (b) Work operations, such as maintenance and repair activities or reactor cleaning, for which the employer establishes that engineering and work practice controls are not feasible.
- (c) Work situations for which feasible engineering and work practice controls are not yet sufficient to reduce an employee's exposure to or below the permissible exposure limits.
- (d) Emergencies.

(2) **For escape, the employer shall provide employees with any organic vapor respirator or any self-contained breathing apparatus permitted for use by these rules.** ~~Respirator selection. The employer shall select the appropriate respirator from Table 1 of this rule.~~

~~(3) Table 1 reads as follows:~~

Table 1 Respiratory Protection for Acrylonitrile (AN)	
Concentration of AN or condition of use	Respirator type
(a) Less than or equal to 20 ppm.	(i) Chemical cartridge respirator with organic vapor cartridge or cartridges and half mask facepiece or (ii) Supplied air respirator with halfmask facepiece.
(b) Less than or equal to 100 ppm or maximum use concentration (MUC) of cartridges or canisters, whichever is lower.	(i) Full facepiece respirator with any of the following: (A) organic vapor cartridges (B) organic vapor gas mask chin style (C) organic vapor gas mask canister, front or back mounted. (ii) Supplied air respirator with full facepiece; or (iii) Self contained breathing apparatus with full facepiece.
(c) Less than equal to 4,000 ppm.	Supplied air respirator operated in the positive pressure mode with full facepiece, helmet, suit, or hood.
(d) Greater than 4,000 ppm, or unknown concentration.	(i) Supplied air and auxiliary self contained breathing apparatus with full facepiece in positive pressure mode; or (ii) Self contained breathing apparatus with full facepiece in positive pressure mode.
(e) Firefighting.	Self contained breathing apparatus with full facepiece in positive pressure mode.
(f) Escape.	(i) Any organic vapor respirator, or (ii) Any self contained breathing apparatus.

~~(3)~~(4) The employer shall implement a respiratory protection program in accordance with **Occupational Health Standard Part 451 “Respiratory Protection,” as referenced in R 325.51501a, which covers each employee required by these rules to use a respirator.** ~~29 CFR §1910.134(b) to (d) and (f) to (m), except for (d)(1)(iii), (d)(3)(iii)(B)(1), and (2), as adopted by reference in R 325.60051 to R 325.60052.~~

~~(4)~~(5) If air-purifying respirators (chemical-cartridge or chemical canister types) are used, then **both of the following apply:**

(a) The air-purifying canister or cartridge must be replaced prior to the expiration of its service life or at the completion of each shift, whichever occurs first.

(b) A label must be attached to the cartridge or canister to indicate the date and time at which it is first installed on the respirator.

R 325.51510. Emergency situations; written plans; alarms.

Rule 510. (1) **An employer shall develop** A written plan for emergency situations for each workplace where liquid AN is present. Appropriate portions of the plan shall be implemented in the event of an emergency.

(2) The plan shall specifically provide that an employee who is engaged in correcting an emergency condition shall be equipped as required in **R 325.51509** ~~rule 509~~ until the emergency has abated.

(3) An employee who is not engaged in correcting the emergency shall be evacuated from the area and shall not be permitted to return until the emergency has abated.

(4) If the possibility of employee exposure to AN in excess of the ceiling limit exists, **the employer shall install** a general alarm ~~shall be installed~~ and **use it** ~~used~~ to promptly alert employees of such occurrences.

R 325.51511. Protective clothing and equipment; provision and use.

Rule 511. Where eye or skin contact with liquid AN might occur, an employer shall provide, at no cost to the employee, and shall assure that employees wear, impermeable protective clothing or other equipment to protect any area of the body that may come in contact with liquid AN. The employer shall comply with **General Industry Safety Standard Part 33 “Personal Protective Equipment,” as referenced in R 325.51501a.** ~~the provisions of R 408.13301 to R 408.13398 of the Michigan Administrative Code, which are administered and enforced by the Michigan department of labor.~~

R 325.51513. Hygiene facilities and practices; change rooms; showers.

Rule 513. (1) All surfaces shall be maintained of visible accumulations of liquid AN.

(2) An employer shall institute a program for detecting leaks and spills of liquid AN, including regular visual inspections, for operations involving liquid AN.

(3) If a spill of liquid AN is detected, an employer shall assure that surfaces contacted by the liquid AN are decontaminated. An employee who is not engaged in decontamination activities shall leave the area of the spill and shall not be permitted in the area until decontamination is completed.

(4) AN waste, scrap, debris, bags, containers, or equipment shall be decontaminated before being incorporated in the general waste disposal system.

(5) If an employee is exposed to an airborne concentration of AN above the permissible exposure limit, or if an employee is required to wear protective clothing or equipment pursuant to **R 325.51511**, ~~rule 544~~, the facilities required by **Occupational Health Standard Part 474 “Sanitation,”** ~~O.H. rule 4201~~, **as referenced in R 325.51501a**, including clean change rooms and shower facilities, shall be provided by an employer for use by such employees, and the employer shall assure that the employees use the facilities provided.

(6) An employer shall assure that an employee who wears protective clothing or equipment for protection from skin contact with liquid AN showers at the end of the work shift.

(7) An employer shall assure that, in the event of skin or eye exposure to liquid AN, an affected employee showers immediately to minimize the danger of skin absorption.

(8) An employer shall assure that an employee working in the regulated area washes his or her hands and face before eating.

R 325.51516. Medical surveillance program; periodic and additional examinations.

Rule 516. (1) An employer shall provide the examinations specified in **R 325.51515** ~~rule 515~~ at least annually for all employees specified in **R 325.51514**. ~~rule 514~~.

(2) If an employee has not had the examination specified in **R 325.51515** ~~rule 515~~ within 6 months preceding termination of employment, an employer shall make such examination available to the employee before termination.

(3) If for any reason an employee develops signs or symptoms which may be associated with exposure to AN, an employer shall provide an appropriate examination and emergency medical treatment.

R 325.51517. Medical surveillance program; information provided to physician by employer.

Rule 517. An employer shall provide all of the following information to the examining physician:

(a) A copy of these rules and related appendices which may be obtained from the department of **licensing and regulatory affairs** ~~consumer and industry services~~.

(b) A description of an affected employee's duties as they relate to the employee's exposure.

(c) The employee's representative exposure level.

(d) The employee's anticipated or estimated exposure level for preplacement examinations or for cases of exposure due to an emergency.

(e) A description of any personal protective equipment used or to be used.

(f) Information from previous medical examinations of the affected employee which is not otherwise available to the examining physician.

R 325.51519. Employee information and training program; applicability; provision of information to employees; availability of rules and other materials to employees and director.

Rule 519. (1) An employer shall institute a training and information program ~~for~~, and **ensure** ~~assure~~ the participation of all employees **in the program, as follows:**

(a) Each employee exposed to AN above the action level.

(b) Each employee whose exposures are maintained below the action level by engineering and work practice controls.

(c) Each employee subject to potential skin or eye contact with liquid AN.

All training shall be in accordance with the requirements of these rules. ~~exposed to AN above the action level, all employees whose exposures are maintained below the action level by engineering and work practice controls, and all employees subject to potential skin or eye contact with liquid AN.~~

(2) Training shall be provided at the time of initial assignment or upon institution of the training program and at least once annually thereafter.

(3) The employer shall assure that each employee is informed of all of the following:

(a) The information contained in appendices A and B of these rules. Appendices A and B are available from the department of **licensing and regulatory affairs** ~~consumer and industry services~~.

(b) The quantity, location, manner of use, release, or storage of AN, and the specific nature of operations which could result in exposure to AN, as well as any necessary protective steps.

(c) The purpose, proper use, and limitations of respirators and protective clothing.

- (d) The purpose and a description of the medical surveillance program required by these rules.
- (e) The emergency procedures developed, as required by R 325.51510.
- (f) Engineering and work practice controls, their function, and an employee's relationship to these controls.
- (g) A review of these rules.
- (4) An employer shall make a copy of these rules and appendices readily available to all affected employees.
- (5) Upon request, an employer shall provide all materials relating to the employee information and training program to the director.

R 325.51519a. Hazard communication--general.

Rule 519a. (1) Chemical manufacturers, importers, distributors and employers shall comply with all requirements of the Occupational Health Standard Part 430 "Hazard Communication," as referenced in R 325.51501a, for AN and AN-based materials not exempted under R 325.51501(1).

(2) In classifying the hazards of AN and AN-based materials at least all of the following hazards must be addressed:

- (a) Cancer.**
- (b) Central nervous system effects.**
- (c) Liver effects.**
- (d) Skin sensitization.**
- (e) Skin, respiratory, and eye irritation.**
- (f) Acute toxicity effects.**
- (g) Flammability.**

(3) An employer shall include AN and AN-based materials in the hazard communication program established to comply with the Occupational Health Standard Part 430 "Hazard Communication." An employer shall ensure that each employee has access to labels on containers of AN and AN-based materials and to safety data sheets. An employer shall ensure that each employee is trained in accordance with the requirements of R 325.51519 and Occupational Health Standard Part 430 "Hazard Communication," as referenced in R 325.51501a.

(4) The employer shall ensure that no statement appears on or near any sign or label required by these rules that contradicts or detracts from the required sign or label.

R 325.51520. ~~Workplace warning~~ Signs and labels. ~~employer responsibilities.~~

Rule 520. (1) An employer shall post signs to clearly indicate all workplaces where AN concentrations exceed the permissible exposure limits. The signs shall bear the following legend:

<p style="text-align: center;">DANGER ACRYLONITRILE (AN) MAY CAUSE CANCER RESPIRATORY PROTECTION MAY BE REQUIRED IN THIS AREA AUTHORIZED PERSONNEL ONLY</p>
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(2) Prior to June 1, 2016, an employer may use the following legend in lieu of that specified in subrule (1) of this rule.

DANGER
ACRYLONITRILE (AN)
CANCER HAZARD
AUTHORIZED PERSONNEL ONLY
RESPIRATORS MAY BE REQUIRED

(3)(2) An employer shall **ensure** ~~assure~~ that signs required by this rule are illuminated and cleaned as necessary so that the legend is readily visible.

(4)(3) An employer shall **ensure** ~~assure~~ that precautionary labels are **in compliance with R 325.51519a(1) and are** affixed to all containers of liquid AN and AN-based materials which are not exempted under **R 325.51501, rule 501**. ~~The employer and~~ shall **ensure** ~~assure~~ that the labels remain affixed when the materials are sold, distributed, or otherwise leave the employer's workplace.

(5) **Prior to June 1, 2015, an employer may include the following information on precautionary labels required by subrule (4) of this rule in lieu of the labeling requirements in R 325.51519a:**

DANGER
CONTAINS ACRYLONITRILE (AN)
CANCER HAZARD

(6)(4) An employer shall **ensure** ~~assure~~ that the precautionary labels required by **these rules** ~~this rule~~ are readily visible and legible. ~~The labels shall bear the following legend:~~

DANGER
CONTAINS ACRYLONITRILE (AN)
CANCER HAZARD

(7)(5) An employer shall **ensure** ~~assure~~ that statements do not appear on or near any sign or label required by this rule which contradict or detract from the required sign or label.

(8)(6) An employer may use labels or signs required by other statutes, rules, or ordinances in addition to, or in combination with, signs and labels required by this rule.

R 325.51521. Operations exempted under **R 325.51501; rule 501**; records of objective data required; maintenance.

Rule 521. (1) If the processing, use, and handling of materials made from or containing AN are exempted pursuant to **R 325.51501, rule 501**, an employer shall establish and maintain an accurate record of the objective data reasonably relied upon in support of the exemption which shall include, at a minimum, all of the following information:

- (a) The material qualifying for exemption.
- (b) The source of the objective data.
- (c) The testing protocol and the results of the testing or an analysis of the material, or both, for the release of AN.

- (d) A description of the operation exempted and how the data supports the exemption.
- (e) Other data relevant to the operations, materials, and processing covered by the exemption.

(2) An employer shall maintain ~~the this~~ record for the duration of the employer's reliance upon such objective data.

R 325.51522. Monitoring of exposure; records; maintenance.

Rule 522. (1) An employer shall establish and maintain an accurate record of all monitoring required by **R 325.51505**. ~~rule 505~~. The exposure monitoring record shall include all of the following:

- (a) The dates, number, duration, and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure.
- (b) A description of the sampling and analytical methods used and the data relied upon to establish that the methods used meet the accuracy and precision requirements of **R 325.51505(10)**. ~~rule 505(10)~~.
- (c) Type of respiratory protective devices worn, if any.
- (d) Name, social security number, and job classification of the employee monitored and of all other employees whose exposure the measurement is intended to represent.

(2) An employer shall maintain ~~the this~~ record for not less than 40 years or for the duration of employment plus 20 years, whichever is longer.

R 325.51523. Medical surveillance records; maintenance.

Rule 523. (1) An employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by **R 325.51514 to R 325.51516**. ~~rules 514 to 516~~. The medical surveillance record shall include all of the following:

- (a) A copy of the physician's written opinion.
- (b) Any employee medical complaints related to exposure to AN.
- (c) A copy of the information provided to the physician as required by **R 325.51517**. ~~rule 517~~.
- (d) A copy of the employee's medical and work history.

(2) An employer shall assure that ~~the this~~ record is maintained for not less than 40 years or the duration of employment plus 20 years, whichever is longer.

R 325.51524. Availability of records.

Rule 524. (1) Upon request, an employer shall make all records that are required to be maintained by these rules available to the director for examination and copying.

(2) Upon request, an employer shall make records that are required to be maintained by R 325.51521 to R 325.51523 available to affected employees, former employees, or their designated representatives for examination and copying in accordance with the provisions of **Occupational Health Standard Part 470 "Employee Medical Records and Trade Secrets," as referenced in R 325.51501a**. ~~R 325.3451 et seq. of the Michigan Administrative Code~~.

(3) Records that are required pursuant to the provisions of R 325.51521 shall be provided in the same manner as exposure monitoring records.

R 325.51525. Retention and disposal of records; successor employer; transmittal and notice to director.

Rule 525. (1) If an employer ceases to do business, then the successor employer shall receive and retain all records that are required to be maintained by these rules for the prescribed period.

~~(2) If an employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, then these records shall be transmitted to the director.~~

~~(3) At the expiration of the retention period for the records that are required to be maintained pursuant to these rules, an employer shall notify the director not less than 3 months before the disposal of the records and shall transmit the records to the director upon request.~~

~~(2)(4)~~ The transfer of records and notification to employees shall be accomplished in accordance with the provisions of **Occupational Health Standard Part 470 "Employee Medical Records and Trade Secrets," as referenced in R 325.51501a**. ~~R 325.3475~~.

R 325.51526. Exposure monitoring; employee observation.

Rule 526. (1) An employer shall provide affected employees or their designated representatives with an opportunity to observe any monitoring of employee exposure to AN which is conducted pursuant to **R 325.51505.** ~~rule 505.~~

(2) If the observation of the monitoring of employee exposure to AN requires entry into an area where the use of protective clothing or personal protective clothing and equipment required to be worn by employees working in the area, **the employer** shall assure the use of such clothing and equipment, and shall require the observer to comply with all other applicable safety and health procedures.

(3) If the monitoring is not interfered with, observers shall be entitled to all of the following:

- (a) To receive an explanation of the measurement procedures.
- (b) To observe all steps related to the measurement of airborne concentrations of AN performed at the place of exposure.
- (c) To record the results obtained.

R 325.51527. **Rescinded.** ~~Availability of rules and appendices; permission to reproduce.~~

~~Rule 527. (1) A copy of these rules and related appendices entitled: "Appendix A—Substance Safety Data Sheet," "Appendix B—Substance Technical Information," "Appendix C—Medical Surveillance Information for Acrylonitrile," and "Appendix D—Sampling and Analytical Methods for Acrylonitrile" are available to affected employers and employees at no cost from the Michigan Department of Consumer and Industry Services, Standards Division, P.O. Box 30643, Lansing, Michigan 48909. (2) Permission to reproduce any of these documents in full is granted by the director.~~

ADMINISTRATIVE RULES

**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS ~~CONSUMER AND INDUSTRY~~
SERVICES**

DIRECTOR'S OFFICE

OCCUPATIONAL HEALTH STANDARDS ~~—LEAD~~

Proposed Draft October 8, 2014

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under **section** ~~sections~~ 33, 44, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of **licensing and regulatory affairs** ~~consumer and industry services~~ by sections 14 and 24 of 1974 PA 154, **MCL 408.1014 and 408.1024, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030**) ~~MCL 408.1014 and 408.1024, and Executive Reorganization Order Nos. 1996-1 and 1996-2, MCL 330.3101 and 445.2001~~)

R 325.51902, R 325.51903, R 325.51904, R 325.51905, R 325.51906, R 325.51907, R 325.51908, R 325.51909, R 325.51910, R 325.51912, R 325.51913, R 325.51914, R 325.51915, R 325.51916a, R 325.51916b, R 325.51917, R 325.51918, R 325.51922, R 325.51923, R 325.51924, R 325.51925, R 325.51926, R 325.51928, R 325.51929, R 325.51930, R 325.51931, R 325.51931a, R 325.51932, R 325.51933, R 325.51934, R 325.51935, R 325.51936, R 325.51937, R 325.51938, R 325.51938a, R 325.51939, R 325.51940, R 325.51941, R 325.51943, R 325.51944, R 325.51945, R 325.51946, R 325.51947, R 325.51948, R 325.51949, R 325.51950, R 325.51950a, R 325.51950b, R 325.51951, R 325.51952, R 325.51953, R 325.51955, R 325.51956, and R 325.51957 of the Michigan Administrative Code are amended, and R 325.51902a and R 325.51924a are added, and R 325.51921 and R 325.51958 are rescinded, of the Michigan Administrative Code as follows:

PART 310. LEAD IN GENERAL INDUSTRY

R 325.51902. Definitions.

Rule 2. (1) As used in these rules:

(a) “Act” means **1974 PA 154, MCL 408.1001 to 408.1094**. ~~Act No. 154 of the Public Acts of 1974, as amended, being §408.1001 et seq. of the Michigan Compiled Laws.~~

(b) “Action level” means employee exposure, without regard to the use of respirators, to an airborne concentration of lead of 30 micrograms per cubic meter (30 ug/m3) of air averaged over an 8-hour period.

(c) “Chelate” means a compound that will inactivate a metallic ion by forming an inner ring structure in the molecule whereby the metal ion becomes a member of the ring and the original ion is effectively out of action.

(d) “Department” means the department of **licensing and regulatory affairs**. ~~consumer and industry services.~~

(e) “Director” means the director of the department or his or her designee.

(f) “Lead” means metallic lead, all inorganic lead compounds, and organic lead soaps. Lead does not include any other organic lead compounds.

~~(g) “O.H. rule” means an occupational health rule incorporated by reference under section 14 of the act or promulgated under section 24 of the act. Copies of O.H. rules are available from the department.~~

~~(g)(h)~~ “Zinc protoporphyrin” or “ZPP” means the metabolite formed when a zinc molecule instead of an iron molecule combines with the protoporphyrin molecule. ZPP gives an indication of the biological effect of lead absorption on heme synthesis. Heme is the basic component of both hemoglobin, which functions in the transportation of oxygen from the lungs to the body cells, and the cytochromes, which function in the respiration of the individual cells.

(2) The terms defined in the act have the same meanings when used in these rules.

R 325.51902a. MIOSHA standards by reference, appendices.

Rule 2a. (1) The following Michigan occupational safety and health administration (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 7150 Harris Drive, P.O. Box 30643, Lansing, MI, 48909-8143 or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, at the time of adoption of these rules, is 4 cents per page.

(a) General Industry Safety Standard Part 33 “Personal Protective Equipment,” R 408.13301 to R 408.13398.

(b) Occupational Health Standard Part 433 “Personal Protective Equipment,” R 325.60001 to R 325.60013.

(c) Occupational Health Standard Part 470 “Employee Medical Records and Trade Secrets,” R 325.3451 to R 325.3476.

(d) Occupational Health Standard Part 451 “Respiratory Protection,” R 325.60051 to R 325.60052.

(e) Occupational Health Standard Part 474 “Sanitation,” R 325.47401 to R 325.47425.

(2) The information contained in appendices A, B, and C to C.F.R. §1910.1025 “Lead,” are not intended by themselves, to create any additional obligations not otherwise imposed by these rules nor detract from any existing obligation.

PERMISSIBLE EXPOSURE LIMIT (PEL).

R 325.51903. Airborne concentrations. ~~permissible employee exposure limits.~~

Rule 3. (1) An employer shall assure that an employee will not be exposed to lead at a concentration of more than 50 micrograms per cubic meter (50 $\mu\text{g}/\text{m}^3$) of air, averaged over an 8-hour period.

(2) If an employee is exposed to lead for more than 8 hours in any workday, then the permissible employee exposure limit as a time-weighted average for that day shall be reduced in accordance with formula A.

(3) Formula A reads as follows:

<p>Maximum permissible employee exposure limit (in $\mu\text{g}/\text{m}^3$) $= 400 \text{ hours} \div \text{hours worked in the day.}$</p>

R 325.51904. ~~Permissible employee exposure limit;~~ **Use of respirators.**

Rule 4. If respirators are used to supplement engineering and work practice controls to comply with the permissible employee exposure limit, and if all of the requirements of R325.51917 have been met, then employee exposure, for the purpose of determining if an employer has complied with the permissible employee exposure limit, may be considered to be at the level provided by the protection factor of the respirator for those periods the respirator is worn. Those periods the respirator is worn may be averaged with exposure levels during periods when respirators are not worn to determine an employee's daily time-weighted average exposure to lead.

EXPOSURE MONITORING

R 325.51905. ~~Exposure monitoring generally.~~ **Exposure monitoring generally.**

Rule 5. (1) For purposes of this rule and R 325.51906 to R 325.51913, employee exposure to lead shall be the exposure that might occur if an employee did not use a respirator.

(2) Except for exposure monitoring under R 325.51907, an employer shall collect personal samples that are representative of the full shift exposure for each worker for each shift in each work area in accordance with recognized industrial hygiene practices. As used in this subrule, "full shift" means not less than 7 continuous hours.

(3) Personal samples shall be representative of a monitored employee's regular daily exposure to lead.

R 325.51906. ~~Exposure monitoring;~~ **Initial determination.**

Rule 6. An employer who has a workplace or work operation subject to these rules shall determine if an employee might be exposed to lead at or above the action level.

R 325.51907. ~~Exposure monitoring;~~ **Basis of initial determination.**

Rule 7. (1) An employer shall monitor employee exposures and shall base initial determinations on employee exposure monitoring results and on any of the following considerations:

(a) Information, observations, or calculations that would indicate employee exposure to lead.

(b) Previous measurements of airborne lead.

(c) Employee complaints of symptoms **that which** may be attributable to exposure to lead.

(2) Monitoring for the initial determination may be limited to a representative sample of those exposed employees who an employer reasonably believes are exposed to the greatest airborne lead concentrations of lead in the workplace.

(3) Measurements of airborne lead concentrations made in the preceding 12 months may be used to satisfy the requirement to monitor pursuant to subrule (1) of this rule, if **the** sampling and analytical methods used meet the accuracy and confidence levels required by R 325.51913.

R 325.51908. ~~Exposure monitoring;~~ **Positive initial determination and initial monitoring.**

Rule 8. (1) If a determination conducted under R 325.51906 and R 325.51907 shows the possibility of employee exposure to lead at or above the action level, then an employer shall conduct monitoring that is representative of the exposure for each employee in the workplace who is exposed to lead.

(2) Measurements of airborne lead concentrations made in the preceding 12 months may be used to satisfy the requirement to monitor under subrule (1) of this rule if the sampling and analytical methods used meet the accuracy and confidence levels required by R 325.51913.

R 325.51909. ~~Exposure monitoring; n~~Negative initial determination.

Rule 9. If a determination is made, pursuant to R 325.51906 and R 325.51907, that employees are not exposed to airborne concentrations of lead at or above the action level, an employer shall make a written record of that determination. The record shall include the information required pursuant to R 325.51907 and shall also include all of the following:

- (a) The date of the determination.
- (b) The job descriptions and location within the worksite.
- (c) The name and social security number of each employee monitored.

R 325.51910. ~~Exposure monitoring; f~~Frequency.

Rule 10. (1) If initial monitoring reveals employee exposure to be below the action level, the measurements need not be repeated, except as provided pursuant to R 325.51911.

(2) If an initial determination or subsequent monitoring reveals employee exposure to be at or above the action level, but below the permissible employee exposure limit, an employer shall repeat monitoring in accordance with this rule, R 325.51905 to R 325.51909, and R 325.51911 to R 325.51913 at least once every 6 months. The employer shall continue monitoring at the required frequency until not less than two consecutive measurements, taken not less than 7 days apart, are below the action level, at which time the employer may discontinue monitoring for that employee, except as provided pursuant to R 325.51911.

(3) If initial monitoring reveals that employee exposure is above the permissible employee exposure limit, an employer shall repeat monitoring quarterly. The employer shall continue monitoring at the required frequency until not less than two consecutive measurements, taken not less than 7 days apart, are below the permissible employee exposure limit, but at or above the action level. At that time, the employer shall repeat monitoring for that employee at the frequency prescribed by subrule (2) of this rule, except as otherwise provided pursuant to R 325.51911.

R 325.51912. ~~Exposure monitoring; e~~Employee notification.

Rule 12. (1) **The employer must, within 15 working days after the receipt of the results of any monitoring performed under these rules, notify each affected employee of these results either individually in writing or by posting the results in an appropriate location that is accessible to affected employees.** ~~Within 5 working days after the receipt of monitoring results, an employer shall notify each employee, in writing, of the results which represent that employee's exposure to lead.~~

(2) If the monitoring results indicate that employee exposure, without regard to respirators, exceeds the permissible employee exposure limit, an employer shall include in the written notice required by subrule (1) of this rule a statement that the permissible employee exposure limit was exceeded and a description of the corrective action taken or to be taken to reduce exposure to at or below the permissible employee exposure limit.

R 325.51913. ~~Exposure monitoring; a~~Accuracy of measurement.

Rule 13. An employer shall use a method of monitoring and analysis which has an accuracy, to a confidence level of 95%, of not less than plus or minus 20% for airborne concentrations of lead equal to or greater than 30 micrograms per cubic meter (30 ug/m³) of air.

METHODS OF COMPLIANCE

R 325.51914. ~~Methods of compliance;~~ Engineering and work practice controls.

Rule 14. (1) If an employee is exposed to lead above the permissible exposure limit for more than 30 days each year, then the employer shall implement engineering and work practice controls, including administrative controls, to reduce and maintain employee exposure to at or below 50 ug/m³; except employers in the brass and bronze ingot manufacture industry and small non-ferrous foundries, who must reduce and maintain employee exposure to at or below 75 ug/m³ in accordance with Table 1 of this rule, except to the extent that the employer can demonstrate that the controls are not feasible. If the engineering and work practice controls that can be instituted are not sufficient to reduce employee exposure to at or below the permissible exposure limit, then the employer shall use the controls to reduce exposures to the lowest feasible level and shall supplement the controls by using respiratory protection that is in compliance with the requirements of R 325.51917.

(2) If an employee is exposed to lead above the permissible exposure limit for 30 days or less each year, then the employer shall implement engineering controls to reduce exposures to at or below 200 ug/m³, but thereafter may implement any combination of engineering, work practice, including administrative controls, and respiratory controls to reduce and maintain employee exposure to lead to at or below 50 ug/m³.

(3) Table 1 reads as follows:

TABLE 1 - IMPLEMENTATION SCHEDULE

INDUSTRY	COMPLIANCE DATES		
	50 ug/m ³	75 ug/m ³	200 ug/m ³
Large Non-Ferrous Foundries	7/19/96 ¹	N/A	N/A
Small Non-Ferrous Foundries	N/A	7/19/96 ¹	N/A
Brass and Bronze Ingot Manufacture	N/A	6 years ²	3/1/79 ³
¹ Large non-ferrous foundries that have 20 or more employees shall achieve 50 ug/m ³ by means of engineering and work practice controls. Small non-ferrous foundries that have fewer than 20 employees, however, are only required to achieve 75 ug/m ³ by means of engineering and work practice controls.			
² Expressed as the number of years from the date on which the Court lifts the stay on the implementation of paragraph 1910.1025(e)(1) of the Code of Federal Regulations for this industry for employers to achieve a lead-in-air concentration of 75 ug/m ³ . Compliance with paragraph 1910.1025(e)(1) in this industry is determined by a compliance directive that incorporates the elements from the settlement agreement between OSHA and industry representatives.			
³ 7/28/84. This continues an obligation from table G-2 of O.H. rule 2103, which had been in effect since 1974, but which was deleted upon the effectiveness of this rule.			

(4) If engineering and work practice controls do not reduce employee exposure to at or below the 50 micrograms per cubic meter (50 ug/m^3) of air permissible employee exposure limit, then an employer shall supplement the controls with respirators in accordance with the provisions of R 325.51917.

~~R 325.51915. Methods of compliance;~~ **eCompliance program.**

Rule 15. (1) An employer shall establish and implement a written compliance program to reduce exposures to at or below the permissible employee exposure limit prescribed by R 325.51903, and interim levels if applicable, solely by means of engineering and work practice controls in accordance with the implementation schedule prescribed in R 325.51914.

(2) The written compliance program shall include at least all of the following:

(a) A description of each workplace operation in which lead is emitted, including, but not limited to, all of the following:

- (i) Machinery used.
- (ii) Material processed.
- (iii) Controls in place.
- (iv) Crew size.
- (v) Employee job responsibilities.
- (vi) Operating procedures.
- (vii) Maintenance practices.

(b) A description of the specific means that will be employed to achieve compliance, including engineering plans and studies used to determine methods selected for controlling exposure to lead.

(c) A report of the technology considered in meeting the permissible employee exposure limit.

(d) Air monitoring data which documents the source of lead emissions.

(e) A detailed schedule for implementation of the compliance program, including documentation of purchase orders for equipment, construction contracts, and other means of implementation.

(f) A work practice program which includes items required pursuant to R 325.51922 to R 325.51931a.

(g) An administrative control schedule required by R 325.51916b.

(h) Other relevant information.

(3) Written compliance programs shall be submitted, upon request, to the director and shall be available at the workplace for examination and copying by the director, an affected employee, or authorized employee representative.

(4) Written programs shall be revised and updated at least annually to reflect the current status of the program. ~~A written compliance program shall be revised and updated at least once every six months to reflect the current status of the compliance program.~~

~~R 325.51916a. Methods of compliance;~~ **mMechanical ventilation.**

Rule 16a. (1) If ventilation is used to control employee exposure, measurements which demonstrate the effectiveness of the ventilation system in controlling exposure, such as capture velocity, duct velocity, or static pressure, shall be made at least once every three months. Measurements of the ventilation system's effectiveness in controlling employee exposure shall be made within five days of any change in production, process or control which might result in a change in employee exposure to lead.

(2) If air from exhaust ventilation is recirculated into the workplace, the employer shall assure all of the following:

~~(a) The director has approved the air recirculation system.~~

~~(a)(b)~~ The ventilation system has a high efficiency filter with a reliable back-up filter.

~~(b)(c)~~ Controls are installed, operating, and maintained to monitor the concentration of lead in the return air and to bypass the recirculation system automatically if it fails.

R 325.51916b. ~~Methods of compliance;~~ **Administrative controls.**

Rule 16b. If administrative controls are used as a means to reduce an employee's time-weighted average exposure to lead, an employer shall establish and implement a job rotation schedule which shall include all of the following information:

- (a) The name or identification number of each affected employee.
- (b) The duration and exposure levels at each job or work station where each affected employee is located.
- (c) Other information which may be useful in assessing the reliability of administrative controls to reduce employee exposure to lead.

RESPIRATORY PROTECTION

R 325.51917. Respiratory protection; **respirator program.**

Rule 17. (1) ~~An employer shall provide respirators that comply with the requirements of these rules, for employees who use respirators required by this subrule. An employer shall ensure that an employee uses a respirator during all of the following:~~ **For employees who use respirators required by these rules, the employer must provide each employee an appropriate respirator that complies with the requirements of these rules. Respirators must be used during all of the following:**

- (a) Periods necessary to install or implement engineering or work practice controls.
- (b) Work operations for which engineering and work practice controls are not sufficient to reduce employee exposures to or below the permissible employee exposure limit.
- (c) Periods when an employee requests a respirator.

(2) An employer shall implement a respiratory protection program in accordance with **Occupational Health Standard Part 451 "Respiratory Protection,"** ~~subrules 29 C.F.R. 1910.134 (b) to (d) and (f) to (m), except for (d)(1)(iii), as referenced in R 325.51902a, which covers each employee required by these rules to use a respirator. as adopted by reference in the respiratory protection standard, being R 325.60051 et seq. of the Michigan Administrative Code.~~

(3) If an employee has breathing difficulty during fit testing or respirator use, then the employer shall provide the employee with a medical examination in accordance with R 325.51937(c) to determine whether or not the employee can use a respirator while performing the required duty.

~~(4) An employer shall select the appropriate respirator or combination of respirators as set forth in table 2.~~

TABLE 2 RESPIRATORY PROTECTION FOR LEAD AEROSOLS	
AIRBORNE CONCENTRATION OF LEAD OR CONDITION OF USE	REQUIRED RESPIRATOR ¹
Not more than 500 ug/m ³ (10 x PEL)	Half mask, air purifying respirator equipped with high-efficiency filters. ^{2,3}
Not more than 2500 ug/m ³ (50 x PEL)	Full facepiece, air purifying respirator with high efficiency filters. ³

Not more than 50,000 ug/m ³ (1000 x PEL)	(1) Any powered, air-purifying respirator with high-efficiency filters. ³ (2) Half mask, supplied air respirator operated in positive pressure mode. ²
Not more than 100,000 ug/m ³ (2000 x PEL)	Supplied air respirators with full facepiece, hood, helmet, or suit operated in positive pressure mode.
More than 100,000 ug/m ³ , unknown concentration, or fire fighting	Full facepiece, self-contained breathing apparatus operated in positive pressure mode.
¹ Respirators specified for high concentrations may be used at lower concentrations of lead. ² A full facepiece is required if the lead aerosols cause eye or skin irritation at the use concentrations. ³ A high efficiency particulate filter means 99.97% efficient against 0.3 micron size particles. N, R, or P-100 designated filters are acceptable.	

(5) An employer shall provide a powered, air-purifying respirator instead of the respirator specified in table 2 of this rule when an employee chooses to use this type of respirator and such a respirator provides adequate protection to the employee.

R 325.51918. Respirator selection. Rescinded.

Rule 18. (1) Employers must do all of the following:

(a) Select, and provide to employees, the appropriate respirators specified in Occupational Health Standard Part 451 “Respiratory Protection,” as referenced in R 325.51902a.

(b) Provide employees with full facepiece respirators instead of half mask respirators for protection against lead aerosols that cause eye or skin irritation at the use concentrations.

(c) Provide HEPA filters for powered and non-powered air-purifying respirators.

(2) Employers must provide employees with a powered air-purifying respirator (PAPR) instead of a negative pressure respirator selected according to subrule (1) of this rule, when an employee chooses to use a PAPR and it provides adequate protection to the employee as specified by subrule (1) of this rule.

R 325.51921. Rescinded. Filter elements and employee washing.

Rule 21. (1) An employer shall permit an employee who uses a filter respirator to change the filter elements when an increase in breathing resistance is detected. An employer shall maintain an adequate supply of filter elements for this purpose.

(2) An employer shall permit an employee who wears a respirator to leave work areas to wash his or her face and respirator facepiece when necessary to prevent skin irritation associated with respirator use.

PROTECTIVE WORK CLOTHING AND EQUIPMENT

R 325.51922. Protective work clothing and equipment; pProvision and use.

Rule 22. If an employee is exposed to lead above the permissible employee exposure limit prescribed by R 325.51903, without regard to the use of respirators, or if the possibility of skin or eye irritation exists, an employer shall provide, at no cost to the employee, and shall assure that the employee uses, appropriate protective work clothing and equipment, including all of the following:

(a) Coveralls or similar full-body work clothing.

(b) Gloves, hats, and shoes or disposable shoe coverings.

(c) Face shields, vented goggles or other appropriate protective equipment which complies with **General Industry Safety Standard Part 33 “Personal Protective Equipment,” and Occupational Health Standard Part 433 “Personal Protective Equipment,” as referenced in R 325.51902a.**
~~R 408.13501 to R 408.13569.~~

R 325.51923. ~~Protective work clothing and equipment;~~ **Cleaning and replacement.**

Rule 23. (1) An employer shall provide employees with the protective clothing required pursuant to R 325.51922 in a clean and dry condition at least once each week. For employees who are exposed to airborne concentrations of lead, without regard to the use of a respirator, greater than 200 micrograms per cubic meter ($200 \mu\text{g}/\text{m}^3$) of air as an 8-hour, time-weighted average, protective clothing in a clean and dry condition shall be provided at least once each day.

(2) An employer shall provide for the cleaning, laundering, or disposal of protective clothing and equipment required pursuant to R 325.51922.

(3) An employer shall repair or replace required protective clothing and equipment as often as needed to maintain the effectiveness of the clothing and equipment.

(4) An employer shall assure both of the following:

(a) That an employee removes all protective clothing at the completion of a work shift and only in a change room of the type described in R 325.51929.

(b) That contaminated protective clothing which is to be cleaned, laundered, or disposed of is placed in a closed container which prevents the dispersion of lead outside of the container.

R 325.51924. ~~Protective work clothing and equipment; modification; labeling of containers.~~ **Cleaning.**

Rule 24. (1) An employer shall inform a person who cleans or launders protective clothing or equipment, in writing, of the potentially harmful effects of exposure to lead.

(2) An employer shall prohibit the removal of lead from protective clothing or equipment by blowing, shaking, or other methods which may disperse lead into the air.

~~–(3) An employer shall assure that containers of contaminated protective clothing and equipment required pursuant to R 325.51923(4)(b) are labeled. The labels shall bear the following legend:~~

DANGER:

~~CLOTHING AND EQUIPMENT CONTAMINATED WITH LEAD.~~

~~MAY DAMAGE FERTILITY OR THE UNBORN CHILD.~~

~~CAUSES DAMAGE TO THE CENTRAL NERVOUS SYSTEM.~~

~~DO NOT EAT, DRINK OR SMOKE WHEN HANDLING.~~

~~DO NOT REMOVE DUST BY BLOWING OR SHAKING.~~

~~DISPOSE OF LEAD-CONTAMINATED WASH WATER IN ACCORDANCE WITH
APPLICABLE LOCAL, STATE, OR FEDERAL REGULATIONS.~~

R 325.51924a. Labeling of contaminated protective clothing and equipment.

Rule 24a (1) The employer shall ensure that labels of bags or containers of contaminated protective clothing and equipment include the following information:

DANGER:
CLOTHING AND EQUIPMENT CONTAMINATED WITH LEAD.
MAY DAMAGE FERTILITY OR THE UNBORN CHILD.
CAUSES DAMAGE TO THE CENTRAL NERVOUS SYSTEM.
DO NOT EAT, DRINK OR SMOKE WHEN HANDLING.
DO NOT REMOVE DUST BY BLOWING OR SHAKING.
DISPOSE OF LEAD CONTAMINATED WASH WATER IN ACCORDANCE
WITH APPLICABLE LOCAL, STATE, OR FEDERAL REGULATIONS.

(2) Prior to June 1, 2015, employers may include the following information on bags or containers of contaminated protective clothing and equipment in lieu of the labeling requirements in subrule (1) of this rule:

CAUTION:
CLOTHING OR EQUIPMENT CONTAMINATED WITH LEAD.
DO NOT REMOVE DUST BY BLOWING OR SHAKING.
DISPOSE OF LEAD CONTAMINATED WASH WATER.
IN ACCORDANCE WITH APPLICABLE FEDERAL, STATE, OR LOCAL
REGULATIONS.

HOUSEKEEPING

R 325.51925. ~~Housekeeping~~; Workplace surfaces.

Rule 25. Surfaces in a workplace shall be maintained as free as practicable from accumulations of lead.

R 325.51926. ~~Housekeeping~~; Floor cleaning; vacuuming.

Rule 26. (1) Floors and other surfaces where lead may accumulate in a workplace shall not be cleaned with the use of compressed air.

(2) Shoveling, dry or wet sweeping, and brushing may be used for cleaning a workplace only if vacuuming or other equally effective methods have been tried and found not to be effective in removing lead accumulations.

(3) If vacuuming methods are selected for cleaning a workplace, a vacuum shall be used and emptied in a manner which minimizes the reentry of lead into the workplace.

HYGIENE FACILITIES AND PRACTICES

R 325.51928. Prohibition of ~~certain types of~~ personal items in lead work areas.

Rule 28. An employer shall assure that food or beverages are not present or consumed, tobacco products are not present or used, and cosmetics are not applied in areas where employees are exposed to lead concentrations greater than the permissible employee exposure limit prescribed by R 325.51903. These prohibitions do not apply in change rooms, lunchrooms or showers.

R 325.51929. ~~Hygiene facilities;~~ **c**Change rooms.

Rule 29. (1) An employer shall provide clean change rooms for employees who work in areas where airborne exposures to lead are greater than the permissible employee exposure limit prescribed by R 325.51903, without regard to the use of respirators.

(2) An employer shall equip change rooms with separate storage or locker facilities for protective work clothing and equipment under R 325.51922 and for street clothes that prevent cross-contamination.

R 325.51930. ~~Hygiene facilities;~~ **s**Showers.

Rule 30. (1) An employer shall ensure that employees who work in areas where airborne exposures to lead are greater than the permissible employee exposure limit prescribed by R 325.51903, without regard to the use of respirators, shower at the end of each work shift.

(2) An employer shall provide shower facilities in accordance **with the Occupational Health Standard Part 474 “Sanitation,” as referenced in R 325.51902a.** ~~O.H. rule 4201 (4)(c), sanitation.~~

(3) An employer shall ensure that an employee who is required to shower under subrule (1) of this rule does not leave the workplace wearing any of the protective work clothing or equipment required under R 325.51922 or other significantly contaminated clothing.

R 325.51931. ~~Hygiene facilities;~~ **l**Lunchrooms.

Rule 31. (1) ~~An soon as possible, but not later than July 28, 1985,~~ Lunchroom facilities shall be provided by an employer for employees who work in areas where airborne exposures to lead are greater than the permissible employee exposure limit prescribed by R 325.51903, without regard to the use of respirators.

(2) The employer shall assure that lunchroom facilities have a temperature-controlled, positive-pressure, filtered air supply, unless the lunchroom facilities are remote from the lead work area such that lead contamination is not possible, and shall assure that the facilities are readily accessible to employees.

(3) Employees whose work causes significant hand or face lead contamination shall be required to wash the contaminated skin areas prior to applying cosmetics, eating, drinking, or smoking.

(4) Employees shall not enter lunchroom facilities with protective work clothing or equipment until surface lead dust has been removed by vacuuming, downdraft booth, or other appropriate cleaning method.

R 325.51931a. ~~Washing facilities.~~ **Lavatories.**

Rule 31a. An employer shall provide an adequate number of ~~washing~~ **lavatory** facilities that are in compliance with **Occupational Health Standard Part 474 “Sanitation,” as referenced in R 325.51902a** ~~O.H. rule 4201(4)(a) and (b).~~

MEDICAL SURVEILLANCE

R 325.51932. Medical surveillance generally.

Rule 32. (1) An employer shall institute a medical surveillance program for each employee who is or may be exposed to concentrations of lead **at or above** ~~greater than~~ the action level for more than 30 days a year.

(2) A licensed physician or someone under the supervision of a licensed physician shall establish procedures for, and shall perform, medical examinations.

(3) An employer shall provide the required medical surveillance, **including multiple physician review under R 325.51938a**, at a convenient time and place, without cost to employees.

(4) An employer shall give priority for biological monitoring and medical examinations shall be provided to employees who the employer believes are at the greatest risk from continued exposure to lead.

~~R 325.51933. Medical surveillance; b Biological monitoring. blood lead and zinc protoporphyrin (ZPP) level sampling and analysis.~~

Rule 33. An employer shall make available biological monitoring in the form of blood sampling and analysis for lead and zinc protoporphyrin levels to each employee who or may be exposed to concentrations of lead greater than the action level for more than 30 days a year in accordance with the following schedule:

(a) At least once every 6 months for each employee.

(b) At least once every 2 months for each employee whose blood sample and analysis indicated a blood lead level at or above 40 micrograms per 100 grams (40 ug/100 g) of whole blood. The 2-month frequency shall continue until 2 consecutive blood samples and analyses indicate a blood level below 40 micrograms per 100 grams (40 ug/100 g) of whole blood.

(c) At least monthly during the period of time an employee is removed from exposure to lead due to an elevated blood lead level.

~~R 325.51934. Medical surveillance; biological monitoring; f Follow-up blood sampling tests.~~

Rule 34. If the results of a blood **lead** level test indicate that an employee's blood lead level **is at or above exceeds** the numerical criterion for medical removal under R 325.51943, then an employer shall provide a second, (follow-up,) blood sampling test within 2 weeks after the **employer receives the** results of the first blood sampling test. ~~are received.~~

~~R 325.51935. Medical surveillance; biological monitoring; a Accuracy of blood lead level sampling and analysis.~~

Rule 35. Blood lead level sampling and analysis provided pursuant to R 325.51933 and R 325.51934 shall have an accuracy to a confidence level of 95% within plus or minus 15% or 6 micrograms per 100 milliliters (6 ug/100 ml), whichever is greater. Sample analyses shall be conducted by a laboratory licensed or approved by the center for disease control, United States department of health and human services or which has received a satisfactory grade in blood lead proficiency testing from the center for disease control in the prior 12 months.

~~R 325.51936. Medical surveillance; biological monitoring; e Employee notifications.~~

Rule 36. Within 5 working days after the receipt of biological monitoring results, an employer shall notify each employee, in writing, whose blood lead level **is at or above exceeds** 40 micrograms per 100 grams (40 ug/100 g) of whole blood of both of the following:

(a) The employee's blood lead level.

(b) That these rules require temporary medical removal with Medical Removal Protection benefits when an employee's blood lead level **is at or above exceeds** the numerical criterion for medical removal pursuant to R 325.51943.

~~R 325.51937. Medical surveillance; m Medical examinations and consultations; frequency.~~

Rule 37. An employer shall make available medical examinations and consultations to each employee who is or may be exposed to concentrations of lead greater than the action level for more than 30 days a year according to the following schedule:

(a) At least annually for each employee for whom a blood sampling test conducted at any time during the previous 12 months indicated a blood lead level at or above 40 micrograms per 100 grams (40 ug/100 g) of whole blood.

(b) Prior to an employee's being assigned for the first time to an area in which airborne concentrations of lead are at or above the action level.

(c) As soon as possible after notification by an employee that the employee has developed signs or symptoms commonly associated with lead intoxication, that the employee desires medical advice concerning the effects of current or past exposure to lead on the employee's ability to procreate a healthy child, or that the employee has demonstrated difficulty in breathing either during a respirator fitting test or during use of a respirator.

(d) As medical appropriate for an employee who is either removed from exposure to lead due to a risk of sustaining material impairment to health or who is otherwise limited pursuant to a final medical determination.

R 325.51938. ~~Medical surveillance; medical examinations and consultations;~~ eContent.

Rule 38. (1) A medical examination made available pursuant to R 325.51937(a) and (b) shall include all of the following elements:

(a) A detailed work history and a medical history, with particular attention to past occupational and non-occupational lead exposure; **in all of the following:**

(i) Personal habits (smoking, hygiene).

(ii) Past gastrointestinal.

(iii) Personal hematological.

(iv) Renal.

(v) Cardiovascular.

(vi) Reproductive. and

(vii) Neurological problems.

(b) A thorough physical examination, with particular attention to **all of the following:**

(i) Teeth.

(ii) Gums. and

(iii) Hematological status.

(iv) Gastrointestinal status.

(v) Renal status.

(vi) Cardiovascular status. and

(vii) Neurological status.

Pulmonary status shall be evaluated if respiratory protection is to be used.

(c) A blood pressure measurement.

(d) A blood sample and an analysis which determines all of the following:

(i) Blood lead level.

(ii) Hemoglobin and hematocrit determinations, red cell indices, and examination of peripheral and smear morphology.

(iii) Blood urea nitrogen.

(iv) Serum creatinine.

(v) Zinc protoporphyrin.

(e) A routine urinalysis with microscopic examination.

(f) A laboratory or other test which an examining physician deems necessary by sound medical practice.

(2) The contents of a medical examination made available pursuant to R 325.51937(c) and (d) shall be determined by an examining physician and, if requested by an employee, shall include pregnancy testing or laboratory evaluation of male fertility, as the case may be.

~~R 325.51938a. Medical surveillance; medical examinations and consultations; m~~**R 325.51938a. Multiple physician review.**

Rule 38a. (1) If an employer selects the initial physician to conduct a medical examination or consultation provided to an employee pursuant to R 325.51937 and R 325.51938, an employee may designate a second physician to do both of the following:

(a) Review the findings, determinations or recommendations of the initial physician.

(b) Conduct examinations, consultations, and laboratory tests as the second physician deems necessary to facilitate his or her review of the findings, determinations, or recommendations of the initial physician.

(2) An employer shall promptly notify an employee of the right to seek a second medical opinion after each occasion that a physician selected by the employer conducts a medical examination or consultation pursuant to R 325.51937 and R 325.51938.

(3) An employer may condition its participation in, and payment for, the multiple physician review mechanism upon the employee doing both of the following within 15 days after receipt of the employer's notification, as required in subrule (2) of this rule, or receipt of the initial physician's written opinion, whichever is later:

(a) The employee informs the employer that he or she intends to seek a second medical opinion.

(b) The employee initiates steps to make an appointment with a second physician.

(4) If the findings, determinations, or recommendations of a second physician differ from those of an initial physician, the employee and the employer shall assure that efforts are made for the 2 physicians to resolve the disagreement. If the 2 physicians are unable to quickly resolve the disagreement the employer and employee, through their respective physicians, shall designate a third physician to do both of the following:

(a) Review the findings, determinations, or recommendations of the prior physicians.

(b) Conduct examinations, consultations, laboratory tests, and discussions with the prior physicians as the third physician deems necessary to resolve the disagreement between the prior physicians.

(5) The employer shall act consistent with the findings, determinations, and recommendations of the third physician, unless the employer and the employee reach an agreement which is otherwise consistent with the recommendations of at least 1 of the 3 physicians.

~~R 325.51939. Medical surveillance; medical examinations and consultations; i~~**R 325.51939. Information provided to examining and consulting physicians.**

Rule 39. (1) An employer shall provide a physician conducting a medical examination or consultation pursuant to R 325.51937 and R 325.51938 with all of the following information:

(a) A copy of these rules and their appendices.

(b) A description of an affected employee's duties as they relate to the employee's exposure to lead.

(c) An employee's lead exposure level or anticipated lead exposure level and an employee's actual or anticipated exposure level to any other toxic substance, if applicable.

(d) A description of personal protective equipment used or to be used.

(e) An employee's prior blood lead determination.

(f) All prior written medical opinions in the employer's possession or control concerning an employee.

(2) Upon request by the other physician or by an employee, the employer shall provide the information required by subrule (1) of this rule to another physician conducting a medical examination pursuant to these rules.

R 325.51940. ~~Medical surveillance; examinations and consultations;~~ Written medical opinions.

Rule 40. (1) An employer shall obtain, and provide an employee with a copy of, a written medical opinion from each examining or consulting physician which shall contain all of the following information:

(a) The physician's opinion as to whether the employee has a detected medical condition which would place the employee at an increased risk of material impairment of the employee's health from exposure to lead.

(b) Any recommended special protective measures to be provided to the employee or limitations to be placed upon the employee's exposure to lead.

(c) Any recommended limitation upon the employee's use of respirators, including a determination of whether the employee can wear a powered air purifying respirator if a physician determines that the employee cannot wear a negative pressure respirator.

(d) The results of the blood lead determinations.

(2) An employer shall instruct each examining and consulting physician to do each of the following:

(a) Not reveal, in the written opinion or in other means of communication with the employer, findings, laboratory results, or diagnoses unrelated to an employee's occupational exposure to lead.

(b) Advise the employee of any occupational or non-occupational medical condition which dictates further medical examination or treatment.

R 325.51941. ~~Medical surveillance; medical examinations and consultations;~~ ~~a~~Alternate physician determination.

Rule 41. An employer and an employee or authorized employee representative, with the written approval of the employee in question, may agree upon the use of an expeditious alternate physician determination, instead of the multiple physician review mechanism provided in R 325.51938a, if the alternate physician determination otherwise satisfies the requirements of these rules.

MEDICAL REMOVAL PROTECTION

R 325.51943. ~~Medical removal protection;~~ ~~t~~Temporary medical removal **due to** elevated blood lead levels.

Rule 43. (1) An employer shall remove an employee from work who has an exposure to lead at or above the action level on each occasion that a periodic blood sampling test and a follow-up blood sampling test conducted under these rules indicate that the employee's blood lead level is at or above 60 micrograms per 100 grams (60 ug/100 g) of whole blood.

(2) An employer shall remove an employee from work if the employee has an exposure to lead at or above the action level on each occasion that the average of the last 3 blood sampling tests conducted under these rules, or the average of all blood sampling tests conducted over the previous 6 months, whichever is longer, indicates that the employee's blood lead level is at or above 50 micrograms per 100 grams (50 ug/100 g) of whole blood. However, an employee shall not ~~be required to be removed~~ if the last blood sampling test indicates a blood lead level at or below 40 micrograms per 100 grams (40 ug/100 g) of whole blood.

R 325.51944. ~~Medical removal protection; t~~Temporary medical removal **due to** final medical determination.

Rule 44. (1) For purposes of this rule, “final medical determination” means the outcome of a multiple physician review made pursuant to R 325.51938a.

(2) An employer shall remove from work an employee who has an exposure to lead at or above the action level on each occasion that a final medical determination results in a medical finding, determination or opinion that the employee has a detected medical condition which places the employee at an increased risk of material impairment to health from exposure to lead.

(3) If a final medical determination results in any recommended special protective measures for an employee or limitation on an employee’s exposure to lead, an employer shall implement and act consistently with the recommended protective measures.

R 325.51945. ~~Medical removal protection; r~~Return of an employee to former job status.

Rule 45. (1) An employer shall return an employee to his or her former job status under any of the following circumstances:

~~(a) For an employee removed due to a blood lead level at or above 70 micrograms per 100 grams (70 ug/ 100 g) of whole blood, when 2 consecutive blood sampling tests indicate that the employee’s blood lead level is at or below 50 micrograms per 100 grams (50 ug/100 g) of whole blood.~~

~~(a)(b)~~ For an employee removed due to a blood lead level at or above 60 micrograms per 100 grams (60 ug/ 100 g) of whole blood or due to an average blood lead level at or above 50 micrograms per 100 grams (50 ug/100 g) of blood, when 2 consecutive blood sampling tests indicate that the employee’s blood lead level is ~~at or~~ below 40 micrograms per 100 grams (40 ug/100 g) of whole blood.

~~(b)(c)~~ For an employee removed due to a final medical determination, when a subsequent final medical determination results in a medical finding, determination or opinion that the employee no longer has a detected medical condition which places the employee at an increased risk of material impairment to health from exposure to lead.

(2) For purposes of this rule, the requirement that an employer return an employee to his or her former job status is not intended to expand upon or restrict any rights an employee has or would have had, absent temporary medical removal, to a specific job classification or position under the terms of a collective bargaining agreement.

R 325.51946. ~~Medical removal protection; r~~Removal of other employee protective measures or limitations.

Rule 46. An employer shall remove any limitations placed on an employee or shall terminate any special protective measures provided to an employee pursuant to a determination when a subsequent final medical determination indicates that the limitations or special protective measures are no longer necessary.

R 325.51947. ~~Medical removal protection; e~~Employer options pending final medical determinations.

Rule 47. If a multiple physician review used pursuant to R 325.51938a has not resulted in a final medical determination with respect to an employee, an employer may do either of the following:

(a) Remove the employee from exposure to lead, provide special protective measures to the employee or place limitations upon the employee consistent with the medical findings, determinations, or recommendations of any of the physicians who have reviewed the employee’s health status.

(b) Return the employee to his or her former job status, end any special protective measures provided to the employee and remove any limitations placed upon the employee consistent with the medical

findings, determinations, or recommendations of any of the physicians who have reviewed the employee's health status, except as follows:

(i) If the initial removal, special protection or limitation of the employee resulted from a medical determination which differed from the findings, determinations, or recommendations of the initial physician, the employer shall await a final medical determination.

(ii) If the employee has been on removal status for the preceding 18 months due to an elevated blood lead level, the employer shall await a final medical determination.

R 325.51948. ~~Medical removal protection~~ bBenefits.

Rule 48. (1) For purposes of these rules, the requirement that an employer provide medical removal protection benefits means that the employer shall maintain the earnings, seniority, and other employment rights and benefits of an employee as though the employee had not been removed from normal exposure to lead or had not been otherwise limited. Medical removal benefits shall not replace employee earnings and shall not be related to the cost of medical treatment for which the employee remains responsible, that is not lead related.

(2) An employer shall provide to an employee up to 18 months of medical removal protection benefits on each occasion that an employee is removed from exposure to lead or is otherwise limited pursuant to this rule.

(3) During the time that an employee is removed from normal exposure to lead or is otherwise limited an employer may condition the provision of medical removal protection benefits upon the employee's participation in follow-up medical surveillance made available pursuant to this rule.

(4) If a removed employee files a claim for workers' compensation payments for a lead-related disability, the employer shall continue to provide medical removal protection benefits pending disposition of the claim. To the extent that an award is made to the employee for earnings lost during the period of removal, the employer's medical removal protection obligation shall be reduced by that amount. The employer shall not receive credit for workers' compensation payments received by the employee for treatment-related expenses.

(5) An employer's obligation to provide medical removal protection benefits to a removed employee shall be reduced to the extent that an employee receives compensation for earnings lost during the period of removal from either a publicly or employer-funded compensation program or from employment with another employer made possible by virtue of the employee's removal.

(6) An employer shall take both of the following measures with respect to an employee removed from exposure to lead due to an elevated blood lead level has not declined within the past 18 months of removal so that the employee has been returned to his or her former job status:

(a) Make available to the employee a medical examination pursuant to these rules to obtain a final medical determination with respect to the employee.

(b) Assure that the final medical determination has not yet been obtained or, if obtained, indicates the employee may be returned to his or her former job status and, if not, the steps which are to be taken to protect the employee's health.

(7) If a final medical determination has not yet been obtained or, if obtained, indicates that the employee may not yet be returned to his or her former job status, the employer shall continue to provide medical removal protection benefits to the employee until either the employee is returned to his or her former job status or until a final medical determination is made that the employee is incapable of ever safely returning to his or her former job status.

(8) If an employer acts pursuant to a final medical determination which permits the return of an employee to his or her former job status despite what would otherwise be an unacceptable blood lead level, later determinations concerning removal of the employee shall be decided by a final medical

determination. An employer shall not be required to automatically remove that employee pursuant to the blood lead level removal criteria provided by these rules until a final medical determination is made.

(9) If an employer, whether or not required by this rule, removes an employee from exposure to lead or otherwise places limitations on an employee due to the effects of lead exposure on the employees' medical condition, the employer shall provide medical removal protection benefits to the employee equal to that required by subrule (2) of this rule.

EMPLOYEE INFORMATION AND TRAINING

R 325.51949. ~~Employee information and training;~~ Training program.

Rule 49. (1) An employer who has a workplace in which there is a potential exposure to airborne lead at any level shall inform employees of the contents of Appendices A to 29 C.F.R. §1910.1025, ~~Substance Data Sheet for Occupational Exposure to Lead,~~ and B to 29 C.F.R. §1910.1025 **'Lead.'** ~~Employee Standard Summary. Appendices A and B are adopted by reference in R 325.51958.~~

(2) ~~An employer shall institute a training program for, and assure participation by, all employees who are subject to exposure to lead at or above the action level or for whom the possibility of skin or eye irritation exists from exposure to lead.~~ **The employer shall train each employee who is subject to exposure to lead at or above the action level, or for whom the possibility of skin or eye irritation exists, in accordance with the requirements of these rules. The employer shall institute a training program and ensure employee participation in the program.**

(3) An employer shall provide initial training in accordance with both of the following provisions:

(a) Within 180 days from the effective date of these rules for employees subject to subrule (2) of this rule.

(b) For new employees who subsequently become subject to subrule (2) of this rule, before the time of initial job assignment.

(4) The training program shall be repeated at least annually for each employee.

(5) An employer shall assure that each employee is informed of all of the following information:

(a) The contents of these rules and appendices.

(b) The specific nature of the operations that could result in exposure to lead above the action level.

(c) The purpose, proper selection, fitting, use, and limitations of respirators.

(d) The purpose and a description of the medical surveillance program and the medical removal protection program, including information regarding adverse health effects associated with excessive exposures to lead, with particular attention to the adverse reproductive effects on both males and females.

(e) The engineering controls and work practices associated with the employee's job assignment.

(f) The contents of any compliance plan in effect.

(g) Instructions to employees that chelating agents shall not routinely be used to remove lead from their bodies and shall not be used at all except under the direction of a licensed physician.

R 325.51950. ~~Employee information and training;~~ **Access to information and training materials.**

Rule 50. (1) An employer shall make a copy of these rules and their appendices readily available to all affected employees.

(2) Upon request, an employer shall provide to the director all materials relating to the employee information and training program.

(3) In addition to the information required by R 325.51949(5), an employer shall include as part of the training program, and shall distribute to employees, all materials pertaining to the act and the rules promulgated thereunder which are provided to the employer by the department.

HAZARD COMMUNICATION

R 325.51950a. **Communication of hazards.** ~~Signs generally.~~

Rule 50a. (1) Chemical manufacturers, importers, distributors, and employers shall comply with all requirements of the Occupational Health Standard Part 430 “Hazard Communication,” as referenced in in R 325.51902a, for lead. An employer may use signs required by other statutes, rules, regulations or ordinances in addition to, or in combination with, signs required by R 325.51950b.

(2) In classifying the hazards of lead, at least all of the following hazards are to be addressed:

(a) Reproductive/ and developmental toxicity.

(b) Central nervous system effects.

(c) Kidney effects.

(d) Blood effects.

(e) Acute toxicity effects. ~~An employer shall assure that no statement appears on or near any sign required by R 325.51950b which contradicts or detracts from the meaning of the required sign.~~

(3) Employers shall include lead in the hazard communication program established to comply with the Occupational Health Standard Part 430 “Hazard Communication.” Employers shall ensure that each employee has access to labels on containers of lead and to safety data sheets, and is trained in accordance with R 325.51949 and Occupational Health Standard Part 430 “Hazard Communication,” as referenced in in R 325.51902a.

R 325.51950b. **Signs.** ~~Sign requirements.~~

Rule 50b. (1) An employer shall post the following warning signs sign in each work area where the permissible employee exposure limit is exceeded:

DANGER
LEAD
MAY DAMAGE FERTILITY OR THE UNBORN CHILD
CAUSES DAMAGE TO THE CENTRAL NERVOUS SYSTEM
DO NOT EAT, DRINK, OR SMOKE IN THIS AREA

(2) An employer shall assure that no statement appears on or near any sign required these rules which contradicts or detracts from the meaning of the required sign.

(3) An employer may use signs required by other statutes, rules, regulations or ordinances in addition to, or in combination with, signs required by these rules.

(4) Prior to June 1, 2016, employers may use the following legend in lieu of that specified in subrule (1) of this rule:

WARNING
LEAD WORK AREA
POISON
NO SMOKING OR EATING

(5)(2) An employer shall assure that signs required by **these rules** ~~this rule~~ are illuminated and cleaned as necessary so that the legend is readily visible.

RECORDKEEPING

R 325.51951. ~~Recordkeeping; e~~Exposure monitoring.

Rule 51. (1) An employer shall establish and maintain an accurate record of all monitoring required pursuant to R 325.51905 to R 325.51913.

(2) The monitoring records shall include all of the following:

(a) The date or dates, number, duration, locations and results in each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure, where applicable.

(b) A description of the sampling and analytical methods used and evidence of their accuracy.

(c) The type of respiratory protective devices worn, if any.

(d) The name, social security number, and job classification of the employee monitored and of all other employees whose exposure the measurement is intended to represent.

(e) The environmental variables that could affect the measurement of employee exposure.

(3) An employer shall maintain monitoring records for not less than 40 years or for the duration of employment plus 20 years, whichever is longer.

R 325.51952. ~~Recordkeeping; m~~Medical surveillance.

Rule 52. (1) An employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by R 325.51932 to R 325.51942.

(2) The medical surveillance record shall include all of the following:

(a) The name, social security number, and description of the duties of the employee.

(b) A copy of the physicians' written opinions.

(c) Results of any airborne exposure monitoring carried out for that employee and the representative exposure levels supplied to the employee's physician or physicians.

(d) Employee medical complaints related to exposure to lead.

(3) An employer shall maintain, or assure that the examining physician maintains, all of the following medical records:

(a) A copy of the medical examination results including medical and work history required pursuant to R 325.51932 to R 325.51942.

(b) A description of the laboratory procedures and a copy of standards or guidelines used to interpret test results or references to that information.

(c) A copy of the results of biological monitoring.

(4) An employer shall maintain, or assure that the physician maintains, medical records for not less than 40 years or for the duration of employment plus 20 years, whichever is longer.

R 325.51953. ~~Recordkeeping; m~~Medical removals.

Rule 53. (1) An employer shall establish and maintain an accurate record for each employee removed from exposure to lead pursuant to R 325.51943 to R 325.51948.

(2) Each medical removal record shall include all of the following:

(a) The name and social security number of the employee.

(b) The date on each occasion that the employee was removed from current exposure to lead and the corresponding date on which the employee was returned to his or her former job status.

(c) A brief explanation of how each removal was or is being accomplished.

(d) With respect to each removal, a statement indicating whether the reason for the removal was an elevated blood lead level.

(3) The employer shall maintain a medical removal record for at least the duration of an employee's employment.

R 325.51955. Transfer of records.

Rule 55. (1) If an employer ceases to do business and there is a successor employer, the successor employer shall receive and retain all records required to be maintained pursuant to R 325.51951 to R 325.51953.

(2) The employer shall comply with any additional requirements involving transfer of records set forth in Occupational Health Standard Part 470 "Employee Medical Records and Trade Secrets," as reference in R 325.51902a.

~~(2) If an employer ceases to do business and there is no successor employer to receive and retain the records required to be maintained for the prescribed period by R 325.51951 to R 325.51953, the records shall be transmitted to the director.~~

~~(3) At the expiration of the retention period for the records required to be maintained by R 325.51951 to R 325.51953, an employer shall notify the director not less than 3 months prior to the disposal of the records. The employer shall transmit the records to the director, upon request, within the 3-month period.~~

OBSERVATION OF MONITORING

R 325.51956. ~~Observation of monitoring; e~~Employee observation.

Rule 56. An employer shall provide affected employees or their designated representatives an opportunity to observe monitoring of employee exposure to lead conducted pursuant to R 325.51905 to R 325.51913.

R 325.51957. ~~Observation of monitoring; p~~Procedures.

Rule 57. (1) If observation of the monitoring of employee exposure to lead requires entry into an area where the use of respirators, protective clothing, or equipment is required an employer shall provide the observer with, and assure the use of, respirators, protective clothing, and equipment and shall require the observer to comply with all other applicable safety and health procedures.

(2) Without interfering with the monitoring, an observer shall be entitled to all of the following:

(a) Receipt of an explanation of the measurement procedures.

(b) Observation of all steps related to the monitoring of lead performed at the place of exposure.

(c) To record the results obtained or to receive copies of the results when returned by the laboratory.

R 325.51958. Rescinded. Adoption of appendices by reference; availability of rules and appendices; permission to reproduce.

~~Rule 58. (1) The provisions of Appendixes A and B to 29 C.F.R. §1910.1025 are adopted by reference in these rules. Appendixes A and B to these rules are exact copies of appendixes A and B to 29 C.F.R. §1910.1025.~~

~~(2) The provisions of appendix C is informational and not intended to create any additional obligations not otherwise imposed or to detract from any existing obligations.~~

~~(3) A copy of these rules and related appendices, which are titled "Appendix A—Substance Data Sheet for Occupational Exposure to Lead," "Appendix B—Employee Standard Summary," and "Appendix C—Medical Surveillance Information," are available to affected employers and employees at no cost as of the time of adoption of these rules from the Michigan Department of Consumer and Industry Services,~~

~~7150 Harris Drive, P. O. Box 30643, Lansing, Michigan 48909-8143. Copies of appendices A and B of 29 C. F. R. §1910.1025 may also be obtained from the United States Department of Labor, OSHA Area Office, 801 S. Waverly Road, Lansing, Michigan 48917, at no cost as of the time of adoption of these rules.~~

~~(4) Permission to reproduce any of these documents in full is granted by the director.~~

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

WORKERS' COMPENSATION AGENCY

WORKERS' COMPENSATION HEALTH CARE SERVICES

Filed with the Secretary of State on

Proposed Draft October 1, 2014

These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the workers' compensation agency by sections 205 and 315 of 1969 PA 317, section 33 of 1969 PA 306, Executive Reorganization Order Nos. 1982-2, 1986-3, 1990-1, 1996-2, 2003-1, and 2011-4, MCL 418.205, 418.315, 24.233, 18.24, 418.1, 418.2, 445.2001, 445.2011, and 445.2030)

R 418.10106, R 418.10107, R 418.10108, R 418.10109, R 418.10207, R 418.10214, R 418.10401, R 418.10404, R 418.10504, R 418.10701, R 418.10901, R 418.10902, R 418.10904, R 418.10912, R 418.10920, R 418.10921, R 418.10923b, R 418.10925, R 418.101002, R 418.101003, R 418.101003a, R 418.101003b, R 418.101004, R 418.101006, R 418.101007, R 418.101023, R 418.101301, R 418.101401, R 418.101501, R 418.101503 of the Michigan Administrative Code are amended, and R 418.10902a, R 418.101008, R 418.101008a, R 418.101008b, R 418.101009 are added, and R 418.101002a is rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 418.10106 Procedure codes; relative value units; other billing information.

Rule 106. (1) Upon annual promulgation of R 418.10107, the health care services division of the workers' compensation agency shall ~~publish a manual~~ **provide** separate from these rules a **manual, tables, and charts** containing all of the following information **on the agency's website, www.michigan.gov/wca:**

(a) All **Current Procedural Terminology (CPT®)** ~~CPT®~~ procedure codes used for billing health care services.

(b) Medicine, surgery, and radiology procedures and their associated relative value units.

(c) Hospital maximum payment ratios.

(d) Billing forms and instruction for completion.

(2) The procedure codes and standard billing and coding instructions for medicine, surgery, and radiology services shall be adopted from the most recent publication entitled

"~~Physicians' Current Procedural Terminology, (CPT®)~~" as adopted by reference in R 418.10107. However, billing and coding guidelines published in "~~Physicians' Current Terminology, (CPT®)~~" **the CPT codebook** do not guarantee reimbursement. A carrier shall only reimburse medical procedures for a work-related injury or illness that are reasonable and necessary and are consistent with accepted medical standards.

(3) The formula and methodology for determining the relative value units shall be adopted from the "Medicare RBRVS Fee Schedule" as adopted by reference in R 418.10107 using geographical information for **the state of Michigan**. The geographical information, (GPCI), for these rules is a melded average using 60% of the figures published for **the city of Detroit** added to 40% of the figures published for the rest of ~~the~~ **this state**.

(4) The maximum allowable payment for medicine, surgery, and radiology services shall be determined by multiplying the relative value unit assigned to the procedure times the conversion factor listed in the reimbursement section, part 10 of these rules.

(5) Procedure codes from "~~Medicare's National Level II Codes HCPCS~~ **HCPCS 2014 Level II Professional Edition**" as adopted by reference in R 418.10107 shall be used to describe all of the following services:

- (a) Ambulance services.
- (b) Medical and surgical expendable supplies.
- (c) Dental procedures.
- (d) Durable medical equipment.
- (e) Vision and hearing services.
- (f) Home health services.

~~(6) Both of the following medical services shall be considered "By Report" (BR):~~

~~–(a) All ancillary services listed in "Medicare's National Level II CODES HCPCS", referenced in R418.10106.~~

~~–(b) All CPT® procedure codes that do not have an assigned relative value.~~

(6) Medical services shall be considered "By Report" (BR) if a procedure code listed in "HCPCS 2014 Level II Professional Edition" or "Current Procedural Terminology (CPT®) 2014 Professional Edition" as adopted by reference in R 418.10107 does not have an assigned value.

R 418.10107 Source documents; adoption by reference.

Rule 107. The following documents are adopted by reference in these rules and are available for ~~inspection and distribution from the Workers' Compensation Agency, Health Care Services Division, P.O. Box 30016, Lansing, Michigan 48909~~ **the indicated sources**, at the cost listed in subdivisions (a) to ~~(g)~~ **(h)** of this rule, ~~or directly from the organizations listed:~~

(a) ~~"Physicians' Current Procedural Terminology (CPT®) 2012," 2014 professional edition~~ **Professional Edition,** copyright October 2011, published by the American Medical association ~~Association, PO P.O. Box 930884 930876, Atlanta GA, 31193-0884 0876, order EP888812 item #EP888814, 1-800-621-8335. The publication may be purchased at a cost of \$109.95 \$114.95 plus \$16.95 shipping and handling as of the time of adoption of these rules. Permission to use this publication is on file in the workers' compensation agency.~~

(b) ~~"Medicare's National Level II Codes, HCPCS, 2012;" 2014 Level II Professional Edition,"~~ copyright December 2010, published by the American Medical Association, P.O. Box 930884 **930876** Atlanta GA 31193-0884 **0876, order OP231512 item #OP231514**, customer service 1-800-621-8335. The publication may be purchased at a cost of \$96.95, plus \$11.95 for shipping and handling, as of the time of adoption of these rules.

~~–(c) "Medicare RBRVS 2011: The Physicians' Guide," published by The American Medical Association.~~

~~–(d) (c) "Medicare RBRVS 2012; 2014: The Physicians' Guide," 23rd edition, published by The American Medical Association, P.O. Box 930884~~ **930876**, Atlanta GA 31193-0884 ~~-0876, order #OP059612 item #OP059614, 1-800-621-8335, available February 2014. The publication may be~~

purchased at a cost of \$91.95, plus \$11.95 shipping and handling, is as of the time of adoption of these rules.

~~–(e) (d)~~ "International Classification of Diseases, ~~ICD-9-CM 2012 Volumes 1 and 3 Data File Download,~~ copyright October 2011, **ICD-9-CM 2014 Professional Edition for Physicians, Volumes 1 and 2,**" American Medical Association, P.O. Box 930884 **930876**, Atlanta GA 31193-0884, ~~order # DL050812 -0876, item # OP065114,~~ 1-800-621-8335. **The publication may be purchased at a cost of \$92.95, plus \$11.95 shipping and handling, as of the time of adoption of these rules.**

(e) "International Classification of Diseases, **ICD-10-CM 2014: The Complete Official Draft Code Set,**" American Medical Association, P.O. Box 930876, Atlanta, GA 31193-0876, item # **OP201414,** 1-800-621-8335. **The publication may be purchased at a cost of \$99.95, plus \$11.95 shipping and handling, as of the time of adoption of these rules.**

(f) Red Book Online subscription service of Truven Health Analytics, contact:
<http://www.redbook.com/redbook/online/>.

(g) **Medi-Span Drug Information Database, a part of Wolters Kluwer Health, contact:**
<http://www.medispan.com>.

~~–(g) (h)~~ "Official UB-04 Data Specifications Manual 2012(v. 3.00), July 1, 2011 **2014, July 1, 2013**" developed in cooperation with the American Hospital Association's National Uniform Billing committee, published by American Hospital Association, National Uniform Billing Committee - UB-04, P.O. Box 92247, Chicago, IL 60675-2247, 1-312-422-3390. ~~As of the time of adoption of these rules, the cost of the publication is \$150.00.~~ **As of the time of adoption of these rules, the cost of this eBook for a single user is \$155.00 and is available at www.nubc.org.**

R 418.10108 Definitions; A to I.

Rule 108. As used in these rules:

(a) "Act" means **the worker's disability compensation act of 1969**, 1969 PA 317, MCL 418.101 et seq. ~~to 418.941.~~

(b) "Adjust" means that a carrier or a carrier's agent reduces a health care provider's request for payment to the maximum fee allowed by these rules, to a provider's usual and customary charge, or, when the maximum fee is by report, to a reasonable amount. "Adjust" also means when a carrier re-codes a procedure, or reduces payment as a result of professional review.

(c) "Agency" means the workers' compensation agency in the department of licensing and regulatory affairs.

(d) "Ambulatory surgical center" (ASC) means an entity that operates exclusively for providing surgical services to patients not requiring hospitalization and has an agreement with the centers for Medicare and Medicaid services (CMS) to participate in Medicare.

(e) "Appropriate care" means health care that is suitable for a particular person, condition, occasion, or place.

(f) **"Biologics" or "biologicals" include drugs or other products that are derived from life forms. Biologics are biology-based products used to prevent, diagnose, treat, or cure disease or other conditions in humans and animals. Biologics generally include products such as vaccines, blood, blood components, allergenics, somatic cells, genes, proteins, DNA, tissues, skin substitutes, recombinant therapeutic proteins, microorganisms, antibodies, immunoglobins, and others, including, but not limited to, those that are produced using biotechnology and are made from proteins, genes, antibodies, and nucleic acids.**

(f) (g) "BR" or "by report" means that the procedure is not assigned a relative value unit, (RVU) or a maximum fee and requires a written description.

~~(g)~~ **(h)** "Carrier" means an organization ~~which that~~ transacts the business of workers' compensation insurance in Michigan and which may be any of the following:

(i) A private insurer.

(ii) A self-insurer.

(iii) One of the funds in chapter 5 of the act, **MCL 418.501 to 408.561**.

~~(h)~~ **(i)** "Case" means a covered injury or illness ~~which that~~ occurs on a specific date and ~~which~~ is identified by the worker's name and date of injury or illness.

~~(i)~~ **(j)** "Case record" means the complete health care record ~~which that~~ is maintained by a carrier and ~~which~~ pertains to a covered injury or illness that occurs on a specific date.

~~(j)~~ **(k)** "Complete procedure" means a procedure that contains a series of steps that are not to be billed separately.

~~(k)~~ **(l)** "Covered injury or illness" means an injury or illness for which treatment is mandated by section 315 of the act, **MCL 418.315**.

~~(l)~~ **(m)** "Current procedural terminology- (CPT®)" means a listing of descriptive terms and identifying codes and provides a uniform nationally accepted nomenclature for reporting medical services and procedures. ~~"Current procedural terminology"~~ **The CPT codebook** provides instructions for coding and claims processing.

(n) "Custom compound" as used in these rules, means a customized topical medication prescribed or ordered by a duly licensed prescriber for the specific patient that is prepared in a pharmacy by a licensed pharmacist in response to a licensed practitioner's prescription or order, by combining, mixing, or altering of ingredients, but not reconstituting, to meet the unique needs of an individual patient.

~~(m)~~ **(o)** "Dispute" means a disagreement between a carrier or a carrier's agent and a health care provider on the application of these rules.

~~(n)~~ **(p)** "Durable medical equipment" means specialized equipment ~~which that~~ is designed to stand repeated use, ~~which~~ is used to serve a medical purpose, and ~~which~~ is appropriate for home use.

~~(o)~~ **(q)** "Emergency condition" means that a delay in treating a patient would lead to a significant increase in the threat to the patient's life or to a body part.

~~(p)~~ **(r)** "Established patient" means a patient whose medical and administrative records for a particular covered injury or illness are available to the provider.

~~(q)~~ **(s)** "Expendable medical supply" means a disposable article that is needed in quantity on a daily or monthly basis.

~~(r)~~ **(t)** "Facility" means an entity licensed by the state ~~in accord with~~ **pursuant to the public health code, 1978 PA 368, MCL 333.1101 et seq. to 333.25211**. The office of an individual practitioner is not considered a facility.

~~(s)~~ **(u)** "Focused review" means the evaluation of a specific health care service or provider to establish patterns of use and dollar expenditures.

~~(t)~~ **(v)** "Follow-up days" means the days of care following a surgical procedure that are included in the procedure's maximum allowable payment, but does not include care for complications. If the surgical procedure lists "xxx" for the follow-up days, then the global concept does not apply. If "yyy" is listed for follow-up days, then the carrier shall set the global period. If "zzz" is used, then the procedure code is part of another service and falls within the global period of the other service.

~~(u)~~ **(w)** "Free standing outpatient facility" (FSOF) means a facility, other than the office of a physician, dentist, podiatrist, or other private practice, offering a surgical procedure and related care that in the opinion of the attending physician can be safely performed without requiring overnight inpatient hospital care.

~~(v)~~ **(x)** "Health care organization" means a group of practitioners or individuals joined together to provide health care services and includes any of the following:

- (i) Health maintenance organization.
- (ii) Industrial or other clinic.
- (iii) Occupational health care center.
- (iv) Home health agency.
- (v) Visiting nurse association.
- (vi) Laboratory.
- (vii) Medical supply company.
- (viii) Community mental health board.

~~(w)~~ **(y)** "Health care review" means the review of a health care case or bill, or both, by a carrier, and includes technical health care review and professional health care review.

~~(x)~~ **(z)** "Incidental surgery" means a surgery ~~which that~~ is performed through the same incision, on the same day, by the same doctor of dental surgery, doctor of medicine, doctor of osteopathy, or doctor of podiatry and ~~which that~~ is not related to diagnosis.

~~(y)~~ **(aa)** "Independent medical examination" means an examination and evaluation ~~which that~~ is requested by a carrier or an employee and ~~which that~~ is conducted by a different practitioner than the practitioner who provides care.

~~(z)~~ **(bb)** "Industrial medicine clinic" also referred to as an "occupational health clinic" means an organization that primarily treats injured workers. The industrial medicine clinic or occupational clinic may be a health care organization as defined by these rules or may be a clinic owned and operated by a hospital for the purposes of treating injured workers.

~~(aa)~~ **(cc)** "Insured employer" means an employer who purchases workers' compensation insurance from an insurance company that is licensed to write insurance in the state of Michigan.

R 418.10109 Definitions; M to U.

Rule 109. As used in these rules:

(a) "Maximum allowable payment" means the maximum fee for a procedure that is established by these rules, a reasonable amount for a "by report" procedure, or a provider's usual and customary charge, whichever is less.

(b) "Medical only case" means a case that does not involve wage loss compensation.

(c) "Medical rehabilitation" means, to the extent possible, the interruption, control, correction, or amelioration of a medical or a physical problem that causes incapacity through the use of appropriate treatment disciplines and modalities that are designed to achieve the highest possible level of post-injury function and a return to gainful employment.

(d) "Medically accepted standards" means a measure ~~which that~~ is set by a competent authority as the rule for evaluating quantity or quality of health care or health care services ensuring that the health care is suitable for a particular person, condition, occasion, or place.

(e) "Morbidity" means the extent of illness, injury, or disability.

(f) "Mortality" means the likelihood of death.

(g) "New patient" means a patient who is new to the provider for a particular covered injury or illness and who needs to have medical and administrative records established.

(h) "Nursing home" means a nursing care facility, including a county medical care facility, created pursuant to ~~1885 PA 152, MCL 36.1~~ **section 20109, 1978 PA 368, MCL 333.20109.**

(i) "Opioid drugs" as used in these rules, refers to opiate analgesics, narcotic analgesics, or any other Schedule C (II-III) controlled substance as identified in United States Code Controlled

Substances Act of 1970, 21. U.S.C. §812. Opioid analgesics are the class of drugs, such as morphine, codeine, and methadone, that have the primary indication for the relief of pain.

~~(j)~~ (j) "Orthotic equipment" means an orthopedic apparatus that is designed to support, align, prevent, or correct deformities of, or improve the function of, a movable body part.

~~(k)~~ (k) "Pharmacy" means the place where the science, art, and practice of preparing, preserving, compounding, dispensing, and giving appropriate instruction in the use of drugs is practiced.

~~(l)~~ (l) "Practitioner" means an individual who is licensed, registered, or certified as used in the Michigan public health code, 1978 PA 368, MCL 333.1101 to **333.25211**.

~~(m)~~ (m) "Primary procedure" means the therapeutic procedure that is most closely related to the principal diagnosis and has the highest assigned relative value unit (RVU).

~~(n)~~ (n) "Properly submitted bill" means a request by a provider for payment of health care services ~~which that~~ is submitted to a carrier on the appropriate completed claim form with attachments as required by these rules.

~~(o)~~ (o) "Prosthesis" means an artificial substitute for a missing body part. A prosthesis is constructed by a "prosthetist", a person who is skilled in the construction and application of a prosthesis.

~~(p)~~ (p) "Provider" means a facility, health care organization, or a practitioner.

~~(q)~~ (q) "Reasonable amount" means a payment based upon the amount generally paid in the state for a particular procedure code using data available from the provider, the carrier, or the workers' compensation agency, health care services division.

~~(r)~~ (r) "Restorative" means that the patient's function will demonstrate measurable improvement in a reasonable and generally predictable period of time and includes appropriate periodic care to maintain the level of function.

~~(s)~~ (s) "Secondary procedure" means a surgical procedure ~~which that~~ is performed to ameliorate conditions that are found to exist during the performance of a primary surgery and ~~which~~ is considered an independent procedure that may not be performed as a part of the primary surgery or for the existing condition.

~~(t)~~ (t) "Separate procedure" means procedures or services listed in the CPT ~~codebook~~ code set that are commonly carried out as an integral component of a total service or procedure have been identified by the inclusion of a term "separate procedure."

~~(u)~~ (u) "Specialist" means any of the following entities that are board-certified, board-eligible, or otherwise considered an expert in a particular field of health care by virtue of education, training, and experience generally accepted in that particular field:

(i) A doctor of chiropractic.

(ii) A doctor of dental surgery.

(iii) A doctor of medicine.

(iv) A doctor of optometry.

(v) A doctor of osteopathic medicine and surgery.

(vi) A doctor of podiatric medicine and surgery.

~~(v)~~ (v) "Subrogation" means substituting 1 creditor for another. An example of subrogation in workers' compensation is when a case is determined to be workers' compensation and the health benefits plan has already paid for the service and is requesting the workers' compensation carrier or the provider to refund the money that the plan paid on behalf of the worker.

~~(w)~~ (w) "Technical surgical assist" means that additional payment for an assistant surgeon, referenced in R 418.10416, is allowed for certain designated surgical procedures. The Health Care Services Manual, published annually by the workers' compensation agency, denotes a surgical procedure allowing payment for the technical surgical assist with the letter "T."

~~(w)~~ (x) "Treatment plan" means a plan of care for restorative physical treatment services that indicates the diagnosis and anticipated goals.

~~(x)~~ (y) "Usual and customary charge" means a particular provider's average charge for a procedure to all payment sources, and includes itemized charges which were previously billed separately and which are included in the package for that procedure as defined by these rules. A usual and customary charge for a procedure shall be calculated based on data beginning January 1, 2000.

PART 2. MEDICINE

R 418.10207 Mental health services.

Rule 207. (1) A psychiatrist, only, shall use procedure codes ~~90805, 90807, 90809, 90811, 90813, 90815, 90817, 90819, 90822, 90824, 90827, and 90829~~ **90792** to describe ~~treatment of a mental health condition, and shall not be billed in conjunction with, 99201-99499, an evaluation and management service.~~ **a psychiatric diagnostic evaluation with medical services, or shall use a new patient evaluation and management code instead of 90792 to describe a psychiatric diagnostic evaluation. A psychologist shall use procedure code 90791 to describe a diagnostic evaluation without medical services. Procedure codes 90791 and 90792 shall not be reported on the same day as a psychotherapy or evaluation and management service procedure code.**

(2) A psychiatrist **only**, shall use **add on** procedure codes ~~90801 and 90802~~ to describe a psychiatric diagnostic interview. A psychiatric consultation may be reported with procedure codes ~~99214-99263~~ and shall be limited to evaluation and does not include psychiatric treatment. **90833, 90836 and 90838, which shall be reported in conjunction with an evaluation and management services code.**

(3) An individual performing psychological testing shall report the services using procedure codes ~~96100-96117~~ **96101-96125**.

(4) Mental health providers shall use the following modifiers to describe the practitioner providing the health services:

- (a) -AH, for services provided by a licensed psychologist.
- (b) -AL, for services provided by a limited licensed psychologist.
- (c) -AJ, for services provided by a certified social worker.
- (d) -LC, for services provided by a licensed professional counselor.
- (e) -CS, for services provided by a limited licensed counselor.
- (f) -MF, for services provided by a licensed marriage and family therapist.
- (g) -ML, for services provided by a limited licensed marriage and family therapist.

R418.10214 Orthotic and prosthetic equipment.

Rule 214. (1) A copy of a prescription by 1 of the following is required for prosthetic and orthotic equipment:

- (a) A doctor of medicine.
- (b) A doctor of osteopathic medicine and surgery.
- (c) A doctor of chiropractic.
- (d) A doctor of podiatric medicine and surgery.

(2) Orthotic equipment may be any of the following:

- (a) Custom-fit.
- (b) Custom-fabricated.
- (c) Non-custom supply that is prefabricated or off-the-shelf.

(3) A non-custom supply shall be billed using procedure code 99070, appropriate L-codes or A4570 for a prefabricated orthosis.

(4) An orthotist or prosthetist that is certified by the American board for certification in orthotics and prosthetics; shall bill orthosis and prostheses that are custom-fabricated, molded to the patient, or molded to a patient model. Licensed physical and licensed occupational therapists may bill orthoses using L-codes within their discipline's scope of practice. In addition, a doctor of podiatric medicine and surgery may bill for a custom fabricated or custom-fit, or molded patient model foot orthosis using procedure codes L3000-L3649.

(5) If a licensed occupational therapist or licensed physical therapist constructs an extremity orthosis that is not adequately described by another L-code, then the therapist shall bill the service using procedure code L3999. The carrier shall reimburse this code as a "by report" or "BR" procedure. The provider shall include the following information with the bill:

(a) A description of the orthosis.

(b) The time taken to construct or modify the orthosis.

(c) The charge for materials, if applicable.

(6) L-code procedures shall include fitting and adjustment of the equipment.

(7) The health care services division shall ~~publish~~ **provide** the maximum allowable payments for L-code procedures ~~in the manual~~ separate from these rules **on the agency's website, www.michigan.gov/wca**. If an L-code procedure does not have an assigned maximum allowable payment, then the procedure shall be by report, "BR."

(8) A provider may not bill more than 4 dynamic prosthetic test sockets without documentation of medical necessity. If the physician's prescription or medical condition requires utilization of more than 4 test sockets, then a report shall be included with the bill that outlines a detailed description of the medical condition or circumstances that necessitate each additional test socket provided.

PART 4. SURGERY

R 418.10401 Global surgical procedure; services included.

Rule 401. (1) The surgical procedures in the ~~Current Procedural Terminology~~ **CPT code set** as adopted in R 418.10107 always include the following list of specific services in addition to the surgical procedure.

(a) Local infiltration, metacarpal/metatarsal/digital block or topical anesthesia.

(b) Subsequent to the decision for surgery, 1 related evaluation and management encounter on the date immediately prior to or on the date of the procedure is included. However, when an initial evaluation and management encounter occurs and a decision for surgery is made at that encounter, the evaluation and management service is payable in addition to the surgical procedure.

(c) Immediate postoperative care, including dictating operative notes, talking with the family and other physicians.

(d) Writing postoperative surgical orders in the patient's chart and dictating an operative report.

(e) Evaluating the patient in the postanesthesia recovery area.

(f) Typical, routine, normal postoperative follow-up care, including suture removal, during the global period. The global period or follow-up days shall be ~~listed in the surgical section of the manual published by the agency~~. **provided separate from the rules on the agency website, www.michigan.gov/wca**.

(2) Intra-operative procedures required to perform the surgical service shall not be billed separately.

R 418.10404 Follow-up care occurring during global service.

Rule 404. (1) Follow-up care for a diagnostic procedure shall refer only to the days required to recover from the diagnostic procedure and not the treatment of the underlying condition.

(2) Follow-up care for therapeutic surgical procedures includes only that care which is usually part of the surgical service. Complications, exacerbations, recurrence, or the presence of other compensable diseases or injuries requiring additional services should be reported with the identification of appropriate procedures. The follow-up days for the surgical procedures are adopted from the "Medicare RBRVS The Physicians Guide," as referenced in R 418.10107(d). The follow-up days for each surgical procedure are ~~identified in~~

~~the "global" column in the manual published by the workers' compensation agency, separate from these rules.~~ **provided separate from these rules on the agency website, www.michigan.gov/wca.** All of the following apply to the global service provider:

(a) If a carrier requests the surgeon to see an injured worker during the global service period for the purpose of job restrictions, job adjustments, or return to work, then the visit shall not be considered part of the global surgery package. If the carrier requests the visit, then the carrier shall prior authorize the visit assigning an authorization number. The provider shall bill the visit using procedure 99455 and modifier -32, including the authorization number in box 23 of the CMS 1500 form. The carrier shall not deny a prior authorized visit and shall reimburse the provider for the prior authorized visit. The maximum allowable payment for 99455-32 shall be listed in the manual published separate from these rules.

(b) The medical record shall reflect job adjustments, job restrictions or limitations, or return to work date, and the provider shall include the medical record with the bill.

(c) If an insured employer requests the surgeon to see an injured worker during the global surgery period for the purpose of job adjustments, restrictions, or return to work, then the employer shall obtain the prior authorization number from the carrier for the visit.

(3) Hospital follow-up care or a hospital visit by the practitioner responsible for the surgery shall be considered part of the surgical follow-up days listed for the procedure and shall not be paid as an independent procedure.

PART 5. RADIOLOGY, RADIATION THERAPY, AND NUCLEAR MEDICINE

R 418.10504 Multiple procedure policy for radiology procedures ~~performed within families or groups of contiguous body parts.~~

Rule 504. (1) A multiple procedure payment reduction shall apply to specified radiology procedures when performed in a freestanding radiology office, a non-hospital facility, or a physician's office or clinic. The primary procedure, identified by the code with the highest relative value, shall be paid at 100% of the maximum allowable payment. If the provider's charge is less than the maximum allowable payment, then the service shall be paid at 100% of the provider's charge.

(2) The multiple **procedure** payment reduction ~~policy shall also apply when multiple radiological diagnostic imaging procedures are performed on contiguous parts of the body, listed as family group procedures.~~ **furnished to the same patient, on the same day, in the same session, by the same physician or group practice that has the same national provider identifier.** ~~When multiple procedures are performed within these groups or families of procedures, the 25% multiple payment reduction shall apply to the technical component only.~~ The agency shall publish in a manual separate from these rules a table listing ~~groups of related codes (families).~~ **the diagnostic imaging CPT codes subject to the multiple procedure payment reduction.** ~~When more than 1 procedure from each group (family of contiguous codes) the table is performed~~ **furnished to the same patient, on the same date of service day, in the same session, by the same physician or group practice, , the technical component**

~~for the first procedure within each group~~ **the procedure with the highest relative value** is paid at 100% of the maximum allowable payment. Each additional procedure ~~within the group~~ shall have modifier - 51 appended and the technical component shall be reduced to ~~75%~~ **50%** of the maximum allowable payment, or the provider's charge, whichever is less, **and the professional component shall be reduced to 75% of the maximum allowable payment, or the provider's charge, whichever is less.**

PART 7. DENTAL

R 418.10701 Scope.

Rule 701. (1) Dental services, related to, or resulting from, a covered work-related injury are covered under these rules. Incidental dental services are not covered.

(2) A dental provider shall bill services on a standard American dental claim form. The workers' compensation agency shall ~~publish~~ **provide** a copy of the claim form and instructions for completion separate from these rules in the health care services manual **on the agency's website at www.michigan.gov/wca.**

(3) Dental services shall be reimbursed at either the dentist's usual and customary fee or reasonable fee, whichever is less.

PART 9. BILLING

SUBPART A. PRACTITIONER BILLING

R 418.10901 General information.

Rule 901. (1) All health care practitioners and health care organizations, as defined in these rules, shall submit charges on the proper claim form as specified in this rule. Copies of the claim forms and instruction for completion for each form shall be ~~published~~ **provided** separate from these rules in a manual ~~distributed by the health care services division of the~~ **on the workers' compensation agency's website at www.michigan.gov/wca.** Charges shall be submitted as follows:

- (a) A practitioner shall submit charges on the CMS1500 claim form.
- (b) A doctor of dentistry shall submit charges on a standard dental claim form approved by the American dental association.
- (c) A pharmacy, other than an inpatient hospital, shall submit charges on an invoice or a pharmacy universal claim form **such as the NCPDP Workers Compensation/Property &-Casualty Claim Form.**
- (d) A hospital-owned occupational, ~~or~~ industrial clinic, or office practice shall submit charges on the CMS 1500 claim form.
- (e) A hospital billing for a practitioner service shall submit charges on a CMS 1500 claim form.
- (f) Ancillary service charges shall be submitted on the CMS 1500 claim form for durable medical equipment and supplies, L-code procedures, ambulance, vision, and hearing services. Charges for home health services shall be submitted on the UB-04 claim form.
- (g) A shoe supplier or wig supplier shall submit charges on an invoice.
- (2) A provider shall submit all bills to the carrier within 1 year of the date of service for consideration of payment, except in cases of litigation or subrogation.
- (3) A properly submitted bill shall include all of the following appropriate documentation:
 - (a) A copy of the medical report for the initial visit.
 - (b) An updated progress report if treatment exceeds 60 days.

- (c) A copy of the initial evaluation and a progress report every 30 days of physical treatment, physical or occupational therapy, or manipulation services.
- (d) A copy of the operative report or office report if billing surgical procedure codes 10040-69990.
- (e) A copy of the anesthesia record if billing anesthesia codes 00100-01999.
- (f) A copy of the radiology report if submitting a bill for a radiology service accompanied by modifier - 26. The carrier shall only reimburse the radiologist for the written report, or professional component, upon receipt of a bill for the radiology procedure.
- (g) A report describing the service if submitting a bill for a "by report" procedure.
- (h) A copy of the medical report if a modifier is applied to a procedure code to explain unusual billing circumstances.

R 418.10902 Billing for injectable medications, other than vaccines and toxoids, in office setting.

Rule 902. (1) The provider shall not bill the carrier for administration of therapeutic injections when billing an evaluation and management procedure code. If an evaluation and management procedure code is not listed, then the appropriate medication administration procedure code may be billed.

(2) The medication being administered shall be billed with either the unlisted drug and supply code from ~~physicians' current procedural terminology, (CPT®),~~ **the CPT code set** or the specific J-code procedure from Medicare's National Level II Codes as adopted by reference in R 418.10107.

(3) The provider shall list the NDC ~~or national drug code number~~ for the medication in box 19 of the CMS 1500.

(4) The carrier shall reimburse the medication ~~in accordance with R 418.101003a.~~ **at average wholesale price (AWP) minus 10%, as determined by Red Book or Medi-Span, as adopted by reference in R 418.10107. No dispense fee shall be billed for injectable medications administered in the office setting.**

(5) If the provider does not list the national drug code for the medication, the carrier shall reimburse the medication using the least costly NDC ~~number by Redbook~~ **Red Book or Medi-Span** for that medication.

R 418.10902a Billing for vaccines and toxoids in office setting.

Rule 902a. (1) When a provider administers a vaccine or toxoid in the office setting, both the vaccine and toxoid shall be billed as separate services. If a significantly separate evaluation and management service is performed, the appropriate evaluation and management service code shall be reported in addition to the vaccine or toxoid administration code pursuant to CPT codebook guidelines, as adopted by reference in R 418.10107.

(2) The vaccine or toxoid being administered and the administration of the vaccine or toxoid shall be billed using the applicable CPT procedure codes pursuant to CPT codebook guidelines, as adopted by reference in R 418.10107.

(3) The provider shall list the NDC number for the vaccine or toxoid in box 19 of the CMS 1500.

(4) The carrier shall reimburse the vaccine or toxoid at the average wholesale price (AWP) minus 10%, as determined by Red Book or Medi-Span, as adopted by reference in R 418.10107. No dispensing fee shall be billed for vaccines or toxoids administered in the office setting.

(5) If the provider does not list the NDC number for the vaccine or toxoid, the carrier shall reimburse the vaccine or toxoid using the least costly NDC number listed by Red Book or Medi-Span for that vaccine or toxoid.

R 418.10904 Procedure codes and modifiers.

Rule 904. (1) A health care service shall be billed with procedure codes adopted from

~~"Physicians' Current Procedural Terminology (CPT®) 2014 Professional Edition" or "HCPCS, Medicare's National 2014 Level II Codes Professional Edition,"~~ as referenced in R 418.10107. Procedure codes from ~~"Physicians' Current Procedural Terminology (CPT®) the CPT code set~~ shall not be included in these rules, but shall be ~~listed in a separate manual published by the~~ **provided on the workers' compensation agency agency's website at www.michigan.gov/wca**. Refer to ~~"Physicians' Current Procedural Terminology (CPT®) 2014 Professional Edition,"~~ **as referenced in R 418.10107,** for standard billing instructions, except where otherwise noted in these rules. A provider billing services described with procedure codes from ~~"Medicare's National HCPCS 2014 Level II Codes Professional Edition"~~ shall refer to the publication as adopted by reference in R 418.10107 for coding information.

(2) The following ancillary service providers shall bill codes from ~~"HCPCS, Medicare's National 2014 Level II Codes Professional Edition,"~~ as adopted by reference in R 418.10107, to describe the ancillary services:

- (a) Ambulance providers.
- (b) Certified orthotists and prosthetists.
- (c) Medical suppliers, including expendable and durable equipment.
- (d) Hearing aid vendors and suppliers of prosthetic eye equipment.
- (3) A home health agency.

(4) If a practitioner performs a procedure that cannot be described by ~~one~~ **1** of the listed CPT® or HCPCS **procedure** codes, then the practitioner shall bill the unlisted procedure code. An unlisted procedure code shall only be reimbursed when the service cannot be properly described with a listed code and the documentation supporting medical necessity includes all of the following:

- (a) Description of the service.
- (b) Documentation of the time, effort, and equipment necessary to provide the care.
- (c) Complexity of symptoms.
- (d) Pertinent physical findings.
- (e) Diagnosis.
- (f) Treatment plan.

(5) The provider shall add a modifier code, found in Appendix A of the CPT® ~~publication,~~ **codebook** as adopted by reference in R 418.10107, following the correct procedure code describing unusual circumstances arising in the treatment of a covered injury or illness. When a modifier code is applied to describe a procedure, a report describing the unusual circumstances shall be included with the charges submitted to the carrier.

(6) Applicable modifiers from table 10904 shall be added to the procedure code to describe the type of practitioner performing the service. The required modifier codes for describing the practitioner are as follows:

Table 10904 Modifier Codes

- AA Anesthesia services performed personally by anesthesiologist.
- AH When a licensed psychologist bills a diagnostic service or a therapeutic service, or both.
- AJ When a certified social worker bills a therapeutic service.
- AL A limited license psychologist billing a diagnostic service or a therapeutic service.
- CS When a limited licensed counselor bills for a therapeutic service.
- GF Non-physician (nurse practitioner, advanced practice nurse or physician assistant) provides services in an office or clinic setting or in a hospital setting.
- LC When a licensed professional counselor performs a therapeutic service.
- MF When a licensed marriage and family therapist performs a therapeutic service.
- ML When a limited licensed marriage and family therapist performs a service.
- TC When billing for the technical component of a radiology service.

- QK When an anesthesiologist provides medical direction for not more than 4 qualified individuals being either certified registered nurse anesthetists or anesthesiology residents
- QX When a certified registered nurse anesthetist performs a service under the medical direction of an anesthesiologist.
- QZ When a certified registered nurse anesthetist performs anesthesia services without medical direction.

R 418.10912 Billing for prescription medications.

Rule 912. (1) Prescription drugs may be dispensed to an injured worker by either an outpatient pharmacy or a health care organization as defined in these rules. These rules shall apply to the pharmacy dispensing the prescription drugs to an injured worker only after the pharmacy has either written or oral confirmation from the carrier that the prescriptions or supplies are covered by workers' compensation insurance.

(2) When a generic drug exists, the generic drug shall be dispensed. When a generic drug does not exist, the brand name drug may be dispensed. A physician may only write a prescription for "DAW", or dispense as written, when the generic drug has been utilized and found to be ineffective or has caused adverse effects for the injured worker. A copy of the medical record documenting the medical necessity for the brand name drug shall be submitted to the carrier.

(3) A bill or receipt for a prescription drug from an outpatient pharmacy, practitioner, or health care organization shall be submitted to the carrier and shall include the name, address, and social security number of the injured worker. An outpatient pharmacy shall bill the service using the universal pharmacy claim form or an invoice and shall include the national association board of pharmacy identification number and the serial number of the prescription drug.

(4) A health care organization or physician office dispensing the prescription drug shall bill the service on the CMS 1500 claim form. Procedure code 99070 shall be used to code the service and the national drug code shall be used to describe the drug.

(5) If an injured worker has paid for a prescription drug for a covered work illness, then the worker may send a receipt showing payment along with the drug information to the carrier for reimbursement.

(6) An outpatient pharmacy or health care organization shall include all of the following information when submitting a bill for a prescription drug to the carrier:

- (a) The brand or chemical name of the drug dispensed.
- (b) The manufacturer or supplier's name and the NDC ~~number, or national drug code, from the "Red Book"~~ **Red Book or Medi-Span** as adopted by reference in R 418.10107.
- (c) The dosage, strength, and quantity dispensed.
- (d) The date the drug was dispensed.
- (e) The physician prescribing the drug.

(7) A practitioner or a health care organization, other than an inpatient hospital, shall bill WC700-G to describe the dispense fee for each generic prescription drug and WC700-B to describe the dispense fee for each brand name prescription drug. A provider will only be reimbursed for 1 dispense fee for each prescription drug in a 10-day period. A dispense fee shall not be billed with "OTC"s, over-the-counter drugs.

418.10920 Billing for supplementary radiology supplies.

Rule 920. (1) If a description of a diagnostic radiology procedure includes the use of contrast materials, then those materials shall not be billed separately as they are included in the procedure.

(2) A radiopharmaceutical diagnostic low osmolar contrast materials and paramagnetic contrast materials shall only be billed when "~~Current Procedural Terminology~~" **the CPT codebook** billing instructions indicate supplies shall be listed separately.

(3) A supply for a radiology procedure shall be coded as provided in this rule. A provider shall include an invoice documenting the wholesale price of the contrast material used and the provider shall be reimbursed the wholesale price of the contrast material. Code Descriptor A4641 Supply of radiopharmaceutical diagnostic imaging agent ~~A4644~~ **Q9965** Supply of low osmolar contrast material, ~~(100-199 mgs. of iodine)~~ **A4645 100-199 mg/ml of iodine concentration per ml** **Q9966** Supply of low osmolar contrast material, ~~(200-299 mgs. of iodine)~~ **A4646 200-299 mg/ml of iodine concentration per ml** **Q9967** Supply of low osmolar contrast material, ~~(300-399 mgs. of iodine)~~ **300-399 mg/ml of iodine concentration per ml.**

R 418.10921 Facility billing.

Rule 921. (1) Except for a freestanding surgical outpatient facility, a licensed facility as defined in these rules shall submit facility charges on a UB-04 claim form to the carrier. A copy of the UB-04 form shall be published separate from these rules in a manual ~~distributed~~ **provided by the health care services division of the agency on the agency's website at www.michigan.gov/wca**. The Official UB-04 Data-Specifications Manual referenced in these rules contains instructions for facility billing.

(2) A facility billing for a practitioner service shall bill charges on the CMS 1500 claim form.

R 418.10923b Billing for ambulatory surgery center (ASC) or freestanding surgical outpatient facility (FSOF).

Rule 923b. (1) An ASC or FSOF shall be licensed by the Michigan department of community health under part 208 of the code or **if it** has an agreement with the centers for Medicare and Medicaid services (CMS) to participate in Medicare. The owner or operator of the facility shall make the facility available to other physicians, dentists, podiatrists, or providers who comprise its professional staff. The following apply:

(a) When a surgery procedure is appropriately performed in the ASC or FSOF and CMS has not assigned a payment code for that procedure, the procedure shall be considered BR.

(b) The ASC or FSOF shall be reimbursed the maximum allowable paid for the payment code, taking into consideration the multiple procedure rule for facilities as defined by CMS.

(2) Billing instructions in this rule do not apply to a hospital-owned freestanding surgical outpatient facility billing with the same tax identification number as the hospital.

(3) An ASC or FSOF shall bill the facility services on the CMS 1500 claim form and shall include modifier SG to identify the service as the facility charge. The place of service shall be "24." The appropriate HCPCS or CPT procedure code describing the service performed shall be listed on separate lines of the bill.

(4) Modifier 50, generally indicating bilateral procedure, is not valid for the ASC or FSOF claim. Procedures performed bilaterally shall be billed on 2 separate lines of the claim form and shall be identified with modifiers, LT for left and RT for right.

(5) ~~A~~ **An** ASC or FSOF shall only bill for outpatient procedures ~~which~~ **that**, in the opinion of the attending physician, can be performed safely without requiring inpatient overnight hospital care and are exclusive of such surgical and related care as licensed physicians ordinarily elect to perform in their private offices.

(6) The payment for the surgical code includes the supplies for the procedure.

(7) Durable medical equipment, the technical component (-TC) of certain radiology services, certain drugs, and biologicals that are allowed separate payment under the outpatient prospective payment

system (OPPS) will be ~~listed in the manual~~ **provided** separate from the rules **on the agency's website, www.michigan.gov/wca**.

(8) Items implanted into the body that remain in the body at the time of discharge (such as plates, pins, screws, mesh) from the facility are reimbursable when they are designated by CMS as pass through items. These pass through items will be ~~listed in the health care services manual~~. **provided separate from these rules on the agency's website, www.michigan.gov/wca**. The facility shall bill implant items with the appropriate HCPCS code that is reimbursable under the OPPS. A report listing a description of the implant and a copy of the facility's cost invoice, including any full or partial credit given for the implant, shall be included with the bill.

(9) Those radiological services that are allowed separate payment under the OPPS will be ~~listed in the manual~~ **provided** separate from the rules **on the agency's website, www.michigan.gov/wca**. When radiology procedures are performed intraoperatively, only the technical component shall be billed by the facility and reimbursed by the carrier. The professional component shall be included with the surgical procedure. Pre-operative and post-operative radiology services may be globally billed.

(10) At no time shall the ASC or FSO bill for practitioner services on the facility bill.

(11) When an allowed drug or biological, ~~listed in the manual~~ **provided** separate from these rules **on the agency's website, www.michigan.gov/wca**, is billed by the ASC or FSO, it shall be listed by the appropriate HCPCS code or CPT ~~medicine~~ **procedure** code. All of the following apply:

- (a) Each **allowable** drug or biological shall be listed on a separate line.
- (b) Units administered shall be listed for each drug or biological.
- (c) A dispense fee shall not be billed.

R 418.10925 Billing requirements for other licensed facilities.

Rule 925. (1) A licensed facility, other than a hospital or freestanding surgical outpatient facility, shall bill the facility services on the UB-04 national uniform billing claim form and shall include the revenue codes contained in the Official UB-04 Data Specifications Manual, ICD-9-CM, **until ICD-10-CM is implemented, then ICD-10-CM** coding for diagnoses and procedures, and CPT® procedure codes for surgical, radiological, laboratory, and medicine and evaluation and management services.

(2) Only the technical component of a radiological service or a laboratory service shall be billed on the standardized UB-04 national uniform billing claim form.

(3) All bills for the professional services shall be billed on a CMS 1500 claim form, using the appropriate CPT® procedure code and modifier.

(4) A report describing the services provided and the condition of the patient shall be included with the bill.

PART 10. REIMBURSEMENT

SUBPART A. PRACTITIONER REIMBURSEMENT

R 418.101002 Conversion factors for ~~medical, surgical, and radiology procedure codes; wage index factors for freestanding surgical outpatient facility.~~ **practitioner services.**

Rule 1002. (1) The workers' compensation agency shall determine the conversion factors for **medicine, evaluation and management, physical medicine, surgery, pathology, and radiology procedures**. The conversion factor shall be used by the workers' compensation agency for determining the maximum allowable payment for medical, surgical, and radiology procedures. The maximum allowable payment shall be determined by multiplying the appropriate conversion factor times the relative value unit assigned to a procedure. The relative value units are listed for the medicine, surgical, and radiology procedure codes in a manual separate from these rules. The manual shall be

published annually by the workers' compensation agency using codes adopted from "Physicians' Current Procedural Terminology (CPT®)" as ~~referenced~~ **adopted by reference** in R 418.10107(a). The workers' compensation agency shall determine the relative values by using information found in the "Medicare RBRVS: The Physicians' Guide" as adopted by reference in R 418.10107(c).

(2) The conversion factor for medicine, radiology, and surgical procedures shall be ~~\$49.22~~ **\$47.19** for the year ~~2006~~**2014** and shall be effective for dates of service on the effective date of these rules.

~~—(3) The wage index used to determine the maximum allowable payment for a surgery performed in a freestanding surgical outpatient facility for 2006 shall be 1.0678 _____ and shall be effective for dates of service on the effective date of these rules.~~

~~R 418.101002a Conversion factor for practitioner services.~~ **Rescinded.**

~~—Rule 1002a. (1) The workers' compensation agency shall determine the conversion factor for medical, surgical, and radiology procedures. The conversion factor shall be used by the workers' compensation agency for determining the maximum allowable payment for medical, surgical, and radiology procedures. The maximum allowable payment shall be determined by multiplying the appropriate conversion factor times the relative value unit assigned to a procedure. The relative value units are listed for the medicine, surgical, and radiology procedure codes in a manual separate from these rules. The manual shall be published annually by the workers' compensation agency using codes adopted from "Physicians' Current Procedural Terminology (CPT®)" as referenced in R 418.10107 (a). The workers' compensation agency shall determine the relative values by using information found in the "Medicare RBRVS: The Physicians' Guide" as adopted by reference in R 418.10107 (c).~~

~~—(2) The conversion factor for medicine, radiology, and surgical procedures shall be \$46.72 for the year 2012 and shall be effective for dates of service on the effective date of these rules.~~

R 418.101003 Reimbursement for "by report" and ancillary procedures.

Rule 1003. (1) If a procedure code does not have a listed relative value, or is noted BR, then the carrier shall reimburse the provider's usual and customary charge or reasonable payment, whichever is less, unless otherwise specified in these rules.

(2) The following ancillary services are by report and the provider shall be reimbursed either at the practitioner's usual and customary charge or reasonable payment, whichever is less:

- (a) Ambulance services.
- (b) Dental services.
- (c) Vision and prosthetic optical services.
- (d) Hearing aid services.
- (e) Home health services.

(3) Orthotic and prosthetic procedures, L0000-L9999, shall be reimbursed by the carrier at Medicare plus 5%. The health care services division shall ~~publish~~ **provide** maximum allowable payments for L-code procedures ~~in the manual~~ separate from these rules **on the agency's website, www.michigan.gov/wca**. Orthotic and prosthetic procedures ~~not included in the manual~~ **with no assigned maximum allowable payment** shall be considered by report procedures and require a written description accompanying the charges on the CMS-1500 claim form. The report shall include date of service, a description of the ~~services(s)~~ **service or services** provided, the time involved, and the charge for materials and components.

R 418.101003a Reimbursement for dispensed medications.

Rule 1003a. (1) Prescription medication shall be reimbursed at the average wholesale price (AWP) minus 10%, as determined by ~~the Red Book~~, **or Medi-Span** referenced in R 418.10107, plus a dispense fee. All of the following apply:

- (a) The dispense fee for a brand name drug shall be \$3.50 and shall be billed with WC700-B.
 - (b) The dispense fee for a generic drug shall be \$5.50 and shall be billed with WC700-G.
 - (c) Reimbursement for repackaged pharmaceuticals shall be ~~based on Red Book Online manufacturer's AWP price of the product~~ at a maximum reimbursement of AWP minus 10% **based upon the original manufacturer's NDC number, as published by Red Book or Medi-Span**, plus a dispensing fee of \$3.50 for brand name and \$5.50 for generic.
 - (d) All pharmaceutical bills submitted for repackaged products shall include the original manufacturer or distributor stock package national drug code or NDC number.
 - (e) ~~Dispensed repackaged generic products shall be reimbursed at the equivalent generic for payment.~~ **When an original manufacturer's NDC number is not available in either Red Book or Medi-Span and a pharmaceutical is billed using an unlisted or "not otherwise specified code," the payer shall select the most closely related NDC number to use for reimbursement of the pharmaceutical.**
 - (f) ~~When a pharmaceutical is billed using an unlisted or "not otherwise specified code" and the charge exceeds \$35.00, then the billing shall be under CPT code 99070.~~
- (2) Over-the-counter drugs (OTC's), dispensed by a provider other than a pharmacy, shall be dispensed in 10-day quantities and shall be reimbursed at the average wholesale price, as determined by ~~the Red Book~~, **or Medi-Span** or \$2.50, whichever is greater.

R 418.101003b Reimbursement for **biologicals**, durable medical equipment, and supplies.

Rule 1003b. (1) The carrier shall reimburse durable medical equipment (DME), ~~and supplies, and biologicals~~ at Medicare plus 5%. The health care services division shall ~~publish~~ **provide** the maximum allowable payments for DME, ~~and supplies, and biologicals in the manual~~ separate from these rules **on the agency website, www.michigan.gov/wca. Biologicals that have NDC numbers shall be billed and reimbursed under R 418.10912.**

- (2) Rented DME shall be identified on the provider's bill by RR. Modifier NU will identify the item as purchased, new.
- (3) If a DME, ~~or supply~~, **or biological** exceeding \$35.00 is not listed in the fee schedule, or if the service is billed with a not otherwise specified code, then reimbursement shall be manufacturers' invoice cost plus a percent mark-up as follows:
- (a) Invoice cost of \$35.01 to \$100.00 shall receive cost plus 50%.
 - (b) Invoice cost of \$100.01 to \$250.00 shall receive cost plus 30%.
 - (c) Invoice cost of \$250.01 to \$700.00 shall receive cost plus 25%.
 - (d) Invoice cost of \$700.01 or higher shall receive cost plus 20%.

R 418.101004 Modifier code reimbursement.

Rule 1004. (1) Modifiers may be used to report that the service or procedure performed has been altered by a specific circumstance but does not change the definition of the code. This rule lists procedures for reimbursement when certain modifiers are used. A complete listing of modifiers are listed in Appendix A of "Current Procedural Terminology CPT® **2014 Professional Edition**," and Appendix ~~1-A~~, **section E** of "**Medicare's Level II Codes HCPCS 2014 Level II Professional Edition** " as adopted by reference in R 418.10107.

- (2) When modifier code -25 is added to an evaluation and management procedure code, reimbursement shall only be made when the documentation provided supports the patient's condition required a

significant separately identifiable evaluation and management service other than the other service provided or beyond the usual preoperative and postoperative care.

(3) When modifier code -26, professional component, is used with a procedure, the professional component shall be paid.

(4) If a surgeon uses modifier code -47 when performing a surgical procedure, then anesthesia services **that** were provided by the surgeon and the maximum allowable payment for the anesthesia portion of the service shall be calculated by multiplying the base unit of the appropriate anesthesia code by \$42.00. No additional payment is allowed for time units.

(5) When modifier code -50 or -51 is used with surgical procedure codes, the services shall be paid according to the following as applicable:

(a) The primary procedure at not more than 100% of the maximum allowable payment or the billed charge, whichever is less.

(b) The secondary procedure and the remaining procedure or procedures at not more than 50% of the maximum allowable payment or the billed charge, whichever is less.

(c) When multiple injuries occur in different areas of the body, the first surgical procedure in each part of the body shall be reimbursed 100% of the maximum allowable payment or billed charge, whichever is less, and the second and remaining surgical procedure or procedures shall be identified by modifier code -51 and shall be reimbursed at 50% of the maximum allowable payment or billed charges, whichever is less.

(d) When modifier -50 or -51 is used with a surgical procedure with a maximum allowable payment of BR, the maximum allowable payment shall be 50% of the provider's usual and customary charge or 50% of the reasonable amount, whichever is less.

(6) The multiple procedure payment reduction shall be applied to the technical **and professional** component for **more than 1** radiological imaging procedures ~~performed on contiguous parts of the body~~ **furnished to the same patient, on the same day, in the same session, by the same physician or group practice.** When modifier -51 is used with specified diagnostic radiological imaging procedures, the payment for the technical component of the procedure shall be reduced by 50% of the maximum allowable payment **and payment for the professional component of the procedure shall be reduced to 75% of the maximum allowable payment.** ~~A table listing these involved families of of the~~ **diagnostic imaging CPT procedure codes subject to the multiple procedure payment reduction** shall be ~~published~~ **provided** by the agency in a manual separate from these rules.

(7) When modifier code -TC, technical services, is used to identify the technical component of a radiology procedure, payment shall be made for the technical component only. The maximum allowable payment for the technical portion of the radiology procedure is designated ~~in the manual by TC on the~~ **agency's website, www.michigan.gov/wca.**

(8) When modifier -57, initial decision to perform surgery, is added to an evaluation and management procedure code, the modifier -57 shall indicate that a consultant has taken over the case and the consultation code is not part of the global surgical service.

(9) When both surgeons use modifier -62 and the procedure has a maximum allowable payment, the maximum allowable payment for the procedure shall be multiplied by 25%. Each surgeon shall be paid 50% of the maximum allowable payment times 25%, or 62.5 % of the MAP. If the maximum allowable payment for the procedure is BR, then the reasonable amount shall be multiplied by 25% and be divided equally between the surgeons.

(10) When modifier code -80 is used with a procedure, the maximum allowable payment for the procedure shall be 20% of the maximum allowable payment listed in these rules, or the billed charge, whichever is less. If a maximum payment has not been established and the procedure is BR, then payment shall be 20% of the reasonable payment amount paid for the primary procedure.

(11) When modifier code -81 is used with a procedure code that has a maximum allowable payment, the maximum allowable payment for the procedure shall be 13% of the maximum allowable payment listed in these rules or the billed charge, whichever is less. If modifier code -81 is used with a BR procedure, then the maximum allowable payment for the procedure shall be 13% of the reasonable amount paid for the primary procedure.

(12) When modifier -82 is used and the assistant surgeon is a licensed doctor of medicine, doctor of osteopathic medicine and surgery, doctor of podiatric medicine, or a doctor of dental surgery, the maximum level of reimbursement shall be the same as for modifier -80. If the assistant surgeon is a physician's assistant, the maximum level of reimbursement shall be the same as modifier -81. If a person other than a physician or a certified physician's assistant bills using modifier -82, then the charge and payment for the service is reflected in the facility fee.

(13) When modifier -GF is billed with evaluation and management or minor surgical services, the carrier shall reimburse the procedure at 85% of the maximum allowable payment, or the usual and customary charge, whichever is less.

R 418.101006 Reimbursement for mental health services.

Rule 1006. (1) A carrier shall only reimburse procedure codes ~~90805, 90807, 90809, 90811, 90813, 90815, 90817, 90819, 90822, 90824, 90827, 90829, 90862, 90865, and 90870~~ **code 90792 and add on procedure codes 90833, 90836, and 90838** when billed by a psychiatrist ~~(an M.D. or D.O.)~~ **who is either a medical doctor (M.D.) or a doctor of osteopathy (D.O.).**

(2) A licensed psychologist or a limited license psychologist billing for a diagnostic procedure shall be paid the maximum allowable payment or the practitioner's usual and customary fee, whichever is less.

(3) A licensed psychologist billing for a therapeutic service shall use modifier -AH and shall be paid the maximum allowable payment or the practitioner's usual and customary charge, whichever is less.

(4) For the following providers, therapeutic mental health services shall be reimbursed at 85% of the maximum allowable payment, or the practitioner's usual and customary charge, whichever is less. If a procedure code has a maximum allowable payment of "by report," the maximum allowable payment shall be 85% of the reasonable payment, or the practitioner's usual and customary charge, whichever is less:

- (a) -AL limited license psychologist.
- (b) -AJ certified social worker.
- (c) -LC licensed professional counselor.
- (d) -MF licensed marriage and family therapist.

(5) For the following providers, mental health services shall be reimbursed at 64% of the maximum allowable payment, or the practitioner's usual and customary charge, whichever is less. If a procedure code has a maximum allowable payment of "by report," then the maximum allowable payment shall be 64% of the reasonable payment, or the practitioner's usual and customary charge, whichever is less:

- (a) -CS limited licensed counselor.
- (b) -ML limited licensed marriage and family therapist.

R 418.101007 Reimbursement for anesthesia services.

Rule 1007. (1) The carrier shall determine the maximum allowable payment for anesthesia services by adding the base units to the time units. The carrier shall reimburse anesthesia services at either the maximum allowable payment, or the practitioner's usual and customary charge, whichever is less. Each anesthesia base unit shall be multiplied by \$42.00 to determine payment for the base procedure.

~~(a)~~ (2) Anesthesia base units shall only be paid to an anesthesiologist, a surgeon who provides the anesthesia and performs the surgery, or a certified registered nurse anesthetist providing anesthesia

without medical direction of the anesthesiologist. Only 1 practitioner shall be reimbursed for base units, documented by the anesthesia record.

~~(2)~~ **(3)** The carrier shall reimburse the time units by the total minutes listed in the "days" or "units" column and the alpha modifier added to the procedure code. Time units are reimbursed in **the following manner**:

- (a) Increments of 15 minutes or portions thereof, for administration of the anesthesia.
- (b) Increments of 30 minutes or portions thereof, for supervision of a CRNA.
- (c) In no instance shall less than 1 time unit be reimbursed.

~~(3)~~ **(4)** The maximum allowable payment for anesthesia time shall be calculated in the following manner:

- (a) If the anesthesiologist administers the anesthesia, then the modifier shall be -AA and the maximum payment shall be \$2.80 per minute.
- (b) If the anesthesiologist supervises a CRNA, then the modifier shall be ~~-SA~~ **QK** and the maximum payment shall be \$1.40 per minute.
- (c) If a CRNA supervised by an anesthesiologist administers the anesthesia, then the modifier shall be -QX and the maximum payment shall be \$2.80 per minute.
- (d) If a CRNA administers without supervision of the anesthesiologist, then the modifier shall be -QZ and the maximum payment shall be \$2.80 per minute.

R 418.101008 Reimbursement for opioid treatment for chronic, non-cancer pain.

Rule 1008. (1) For purposes of these rules, chronic pain is pain unrelated to cancer or is incident to surgery and that persists beyond the period of expected healing after an acute injury episode. It is pain that persists beyond 90 days following the onset of the pain. The payer shall reimburse for opioids used in the treatment of chronic pain resulting from work-related conditions.

2) This rule is applicable to opioid treatment of chronic pain for either of the following:

- (a) For injury dates on or after 6 months following the effective date of these rules.**
- (b) For injury dates prior to the effective date, 12 months following the effective date.**

R 418.101008a Required documentation for reimbursement of treatment for chronic, non-cancer pain with opioids.

Rule 1008a. (1) In order to receive reimbursement for opioid treatment beyond 90 days, the physician seeking reimbursement shall submit a written report to the payer not later than 90 days after the initial opioid prescription fill for chronic pain and every 90 days thereafter. The written report shall include all of the following:

- (a) A review and analysis of the relevant prior medical history, including any consultations that have been obtained, and a review of data received from an automated prescription drug monitoring program in the treating jurisdiction, such as the Michigan Automated Prescription System (MAPS), for identification of past history of narcotic use and any concurrent prescriptions.**
- (b) A summary of conservative care rendered to the worker that focused on increased function and return to work.**
- (c) A statement on why prior or alternative conservative measures were ineffective or contraindicated.**
- (d) A statement that the attending physician has considered the results obtained from appropriate industry accepted screening tools to detect factors that may significantly increase the risk of abuse or adverse outcomes including a history of alcohol or other substance abuse.**
- (e) A treatment plan which includes all of the following:**

- (i) Overall treatment goals and functional progress.
- (ii) Periodic urine drug screens.
- (iii) A conscientious effort to reduce pain through the use of non-opioid medications, alternative non-pharmaceutical strategies, or both.
- (iv) Consideration of weaning the injured worker from opioid use.
- (f) An opioid treatment agreement that has been signed by the worker and the attending physician. This agreement shall be reviewed, updated, and renewed every 6 months. The opioid treatment agreement shall outline the risks and benefits of opioid use, the conditions under which opioids will be prescribed, and the responsibilities of the prescribing physician and the worker.
- (2) The provider may bill the additional services required for compliance with these rules utilizing CPT procedure code 99215 for the initial 90 day report and all subsequent follow-up reports at 90-day intervals.
- (3) Providers may bill \$25.00 utilizing code MPS01 for accessing MAPS or other automated prescription drug monitoring program in the treating jurisdiction.

R 418.101008b Denial of reimbursement for prescribing and dispensing opioid medications used to treat chronic, non-cancer pain.

Rule 1008b. Reimbursement for prescribing and dispensing opioid medications may be denied, pursuant to the act. Denial of reimbursement shall occur only after a reasonable period of time is provided for the weaning of the injured worker from the opioid medications, and alternative means of pain management have been offered.

R 418.101009 Reimbursement for custom compounded topical medication.

Rule 1009. (1) A custom compound topical medication, as defined in R418.10108, prescribed for treatment of injuries occurring on or after the effective date of this rule, shall be reimbursed only when the compound meets all of the following standards:

- (a) There is no readily available commercially manufactured equivalent product.
- (b) No other FDA approved alternative drug is appropriate for the patient.
- (c) The active ingredients of the compound each have an NDC number and are components of drugs approved by the United States Food and Drug Administration (FDA).
- (d) The drug has not been withdrawn or removed from the market for safety reasons.
- (e) The prescriber is able to demonstrate to the payer that the compound medication is clinically appropriate for the intended use.

(2) Topical compound drugs or medications shall be billed using the specific amount of each component drug and its original manufacturers' NDC number included in the compound. Reimbursement shall be based on a maximum reimbursement of the AWP minus 10% based upon the original manufacturer's NDC number, as published by Red Book or Medi-Span, and pro-rated for each component amount used. Components without NDC numbers shall not be reimbursed. A single dispensing fee for a compound prescription shall be \$12.50 for a non-sterile compound. The dispensing fee for a compound prescription shall be billed with code WC 700-C. The provider shall dispense a 30-day supply per prescription.

(3) Reimbursement for a custom compounded drug is limited to a maximum of \$600.00. Any charges exceeding this amount must be accompanied by the original component manufacturers' invoice pro-rated for each component amount used, for review by the carrier.

R 418.101023 Reimbursement for ASC or FSO.

Rule 1023. (1) Reimbursement for surgical procedures performed in an ASC or FSOFF shall be determined by using the ~~CMS ASC rate that is published in the Federal Register by CMS~~. The formula for determining the maximum allowable paid (MAP) for a surgical procedure in an ASC or FSOFF is determined by multiplying the (Medicare ASC rate) X (1.30). The MAP shall be published in the health care services fee schedule.

(2) When 2 or more surgical procedures are performed in the same operative session, the facility shall be reimbursed at 100% of the maximum allowable payment or the facility's usual and customary charge, whichever is less, for the procedure classified in the highest payment group. Any other surgical procedures performed during the same session shall be reimbursed at 50% of the maximum allowable payment or 50% of the facility's usual and customary charge, whichever is less. A facility shall not unbundle surgical procedure codes when billing the services.

(3) When an eligible procedure is performed bilaterally, each procedure shall be listed on a separate line of the claim form and shall be identified with LT for left and RT for right. At no time shall modifier 50 be used by the facility to describe bilateral procedures.

(4) Implants are included in the maximum allowable paid unless the CMS list it as a pass through item. Pass through items will be ~~listed in the health care service manual~~ **provided on the agency's website, www.michigan.gov/wca**. If an item is implanted during the surgical procedure and the ASC or FSOFF bills the implant and includes the copy of the invoice, then the implant shall be reimbursed at the cost of the implant plus a percent markup as follows:

(a) Cost of implant: \$1.00 to \$500.00 shall receive cost plus 50%.

(b) Cost of implant: \$500.01 to \$1000.00 shall receive cost plus 30%.

(c) Cost of implant: \$1000.01 and higher shall receive cost plus 25%.

(5) Laboratory services shall be reimbursed by the maximum allowable payment as determined in R 418.101503.

(6) When a radiology procedure is performed intra-operatively, only the technical component shall be billed by the facility and reimbursed by the carrier. The professional component shall be included with the surgical procedure. Pre-operative and post-operative radiology services may be globally billed.

(7) When the freestanding surgical facility provides durable medical equipment, the items shall be reimbursed in accord with R 418.101003b.

PART 13. PROCESS FOR RESOLVING DIFFERENCES BETWEEN CARRIER AND PROVIDER REGARDING BILLING

R 418.101301 Carrier's adjustment or rejection of properly submitted bill.

Rule 1301. (1) If a carrier adjusts or rejects a bill or a portion of the bill, then the carrier shall notify the provider within 30 days of the receipt of the bill of the reasons for adjusting or rejecting the bill or a portion of the bill and shall notify the provider of its right to provide additional information and to request reconsideration of the carrier's action. The carrier shall set forth the specific reasons for adjusting or rejecting a bill or a portion of the bill and request specific information on a form, "Carrier's Explanation of Benefits," prepared by the agency pursuant to the reimbursement ~~section of these provisions in these~~ rules.

(2) If the provider sends a properly submitted bill to a carrier and the carrier does not respond within 30 days, and if a provider sends a second properly submitted bill and does not receive a response within 60 days from the date the provider supplied the first properly submitted bill, then the provider may file an application with the agency for mediation or hearing. The provider shall send a completed form entitled "Application for Mediation ~~and or~~ Hearing" to the agency and shall send a copy of this form to the carrier.

(3) The carrier shall notify the employee and the provider that the rules prohibit a provider from billing an employee for any amount for health care services provided for the treatment of a covered work-related injury or illness if that amount is disputed by the carrier under its utilization review program or if the amount is more than the maximum allowable payment established by these rules. The carrier shall request the employee to notify the carrier if the provider bills the employee.

PART 14. DATA ACQUISITION

R 418.101401 Annual medical payment report.

Rule 1401. (1) Payments for medical services received by injured workers shall be reported to the workers' compensation agency on a form prescribed by the agency entitled "Annual-Medical Payment Report (**WC-406**).\" The agency shall provide instruction to the carriers and service companies regarding completion of the form. The annual medical payment report shall cover the periods January 1 through December 31 and shall include all of the following information:

(a) The total number of medical payments for health care services for medical cases, wage loss cases, and the carrier's total number of worker's compensation cases in **each category during** the reporting period.

(b) Medical only cases, defined as those cases where no indemnity was paid, and the total medical payments made by the carrier for those cases.

(c) Wage loss cases, defined as those cases in which wage loss or indemnity was paid, and the total medical payments made by the carrier for those cases. For the purposes of this annual medical payment report, once wage loss benefits are paid, then the case shall always be reported as wage loss.

(d) For the purpose of the Annual Medical Payment Report (WC-406), "medical services" is defined as all reasonable medical, surgical, and hospital services and medicines, or other attendance or treatment recognized by the laws in this state as legal, and furnished by licensed practitioners within the scope of their practice. The report shall not include indemnity payments, travel expenses, payments for independent medical examinations, legal expenses, vocational rehabilitation, or on-site or telephonic case management expenses.

(2) The annual medical payment report (**WC-406**) shall be due ~~in~~ to the agency by February 28 of each year. ~~The report shall not include travel expenses, payments for independent medical examinations, vocational rehabilitation, or rehabilitation case management expenses.~~ **Form WC-406 is an online report and must be completed via the Health Care Services Online Program provided on the agency's website, www.michigan.gov/wca.**

(3) A carrier, self -insured, or group shall submit required forms ~~electronically~~ either directly or through a third-party vendor, to the agency at such time as the director deems appropriate. The ~~electronic~~ forms required are both of the following:

(a) Certification of a carrier's professional health care review program (form WC590).

(b) Annual medical report (WC406).

PART 15. PROCEDURE CODE AND REIMBURSEMENT TABLES

R 418.101501 Tables for health care services and procedures.

Rule 1501. (1) Procedures that do not have relative values assigned are referenced in part 15 of these rules and have assigned fees developed by the workers' compensation agency through rule promulgation and shall be published as part of these rules.

(2) The agency shall ~~publish~~ **provide** separate from these rules a manual, **tables, and charts** containing all of the following **on the agency's website, www.michigan.gov/wca:**

- (a) Procedure codes and relative value units for the medical, surgical, and radiology services.
- (b) Reference to the ancillary services identified in Medicare's Level II codes as adopted by reference in R 418.10107.
- (c) Maximum payment ratios for hospitals.
- (d) A copy of the billing forms and instructions for completion.

R 418.101503 Laboratory procedure codes and maximum allowable payments.

Rule 1503. (1) The workers' compensation agency shall determine the maximum allowable payment for the laboratory procedure codes, ~~80048-89356 published in "Physicians' Current Procedural Terminology (CPT®) as adopted by reference in R 418.10107.~~ **found in the 80000 series of the CPT code set.** The rate shall be determined by multiplying the Medicare rate established for ~~the state of Michigan~~ **this state** by 110%.

(2) The pathology procedure codes found in the 80000 series of ~~procedure codes listed in the CPT® code set as adopted by reference in R 418.10107~~ have assigned relative values and shall be ~~Published by the agency in a separate manual.~~ **provided on the agency's website at www.michigan.gov/wca.**

(3) The maximum allowable payments for the laboratory and pathology procedures shall be ~~published the Health Care Services Manual separate from these rules~~ **provided on the agency's website, www.michigan.gov/wca.**

NOTICE OF PUBLIC HEARING

MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

NOTICE OF PUBLIC HEARING

WORKERS' COMPENSATION AGENCY – HEALTH CARE SERVICES RULES

November 7, 2014

10:00 a.m.

RULE SET # 2014–029 LR

The Department of Licensing and Regulatory Affairs, Workers' Compensation Agency, will hold a public hearing on Friday, November 7, 2014, starting at 10:00 a.m. at the Department of Licensing and Regulatory Affairs, State Secondary Complex, General Office Building, 7150 Harris Drive, Dimondale, Michigan, in the offices of the Workers' Compensation Agency, First Floor, B-Wing. The hearing will be held to receive public comment on proposed amendments to the Workers' Compensation Health Care Services rules and fee schedule. The Health Care Services rules are revised in order to provide the Agency's external customers with updated health care fee schedules for reimbursement to providers for treatment of injured workers and to guide providers and payers on the scope of reimbursement. The following rules are amended, added, or rescinded:

R 418.10106, R 418.10107, R 418.10108, R 418.10109, R 418.10207, R 418.10214, R 418.10401, R 418.10404, R 418.10504, R 418.10701, R 418.10901, R 418.10902, R 418.10904, R 418.10912, R 418.10920, R 418.10921, R 418.10923b, R 418.10925, R 418.101002, R 418.101003, R 418.101003a, R 418.101003b, R 418.101004, R 418.101006, R 418.101007, R 418.101023, R 418.101301, R 418.101401, R 418.101501, R 418.101503 of the Michigan Administrative Code are amended, and R 418.10902a, R 418.101008, R 418.101008a, R 418.101008b, R 418.101009 are added, and R 418.101002a is rescinded.

These rules are promulgated by authority conferred on the Workers' Compensation Agency by sections 205 and 315 of 1969 PA 317, section 33 of 1969 PA 306, Executive Reorganization Order Nos. 1982-2, 1986-3, 1990-1, 1996-2, 2003-1, and 2011-4, MCL 418.205, 418.315, 24.233, 18.24, 418.1, 418.2, 445.2001, 445.2011, and 445.2030. Rules adopted under these sections become effective seven days after filing with the Secretary of State.

Rule Set 2014-029 LR is published on the state of Michigan website at <http://www7.dleg.state.mi.us/orr/Rules.aspx?type=dept&id=LR> and in the November 1, 2014 issue of the *Michigan Register*. A copy of the proposed rules may be obtained by contacting Sue Bickel at 517-322-1106 or email at bickels@michigan.gov.

Comments on the proposed rules may be presented in person at the public hearing. In addition, written comments will be accepted until 5:00 p.m. on November 7, 2014, at the following address or email:

Department of Licensing and Regulatory Affairs
Workers' Compensation Agency-Health Care Services Division
State Secondary Complex, First Floor, B-Wing
7150 Harris Drive

Dimondale, Michigan 48821
Email: campbelld5@michigan.gov

The hearing site is accessible, including handicapped parking. Individuals attending the hearing are requested to refrain from using heavily scented personal care products in order to enhance accessibility for everyone. People with disabilities requiring additional accommodations such as information in alternative formats in order to participate in the hearing should contact Sue Bickel at 517-322-1106 at least 5 days before the hearing.

ADMINISTRATIVE RULES

DEPARTMENT OF COMMUNITY HEALTH

BUREAU OF EPIDEMIOLOGY

COMMUNICABLE AND RELATED DISEASES

Proposed Draft October 16, 2014

Files with the Secretary of State on

These rules become effective 7 days after filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306.

(By authority conferred on the department of community health by sections 2221, 2226(d), 2231(1), 2233, 5111, 5125 and 9227 of 1978 PA 368 and Executive Reorganization Order Nos.1996-1 and 1997-4, MCL 333.2221, 333.2226(d), 333.2231(1), 333.2233, 333.5111, 333.5125, 333.9227, 330.3101, 333.26324, 333.5114, and MCL 16.109)

R 325.178 of the Administrative Code is rescinded and R 325.171, R 325.172, R 325.173, R 325.174, R 325.175, R 325.176, R 325.179a, R 325.180, R 325.181 of the Michigan Administrative Code ~~is~~ **are** amended as follows:

R 325.171 Definitions.

Rule 1. (1) As used in these rules:

(a) "Appropriate local health department" means the local health department that has jurisdiction where an individual who has a disease or condition that is required to be reported resides or the local health department of the county in which the service facility is located.

(b) "Code" means 1978 PA 368, MCL 333.1101 **to 333.25211**.

(c) "Communicable" means capable of being transmitted from individual to individual, from animal to individual, or from an inanimate reservoir to an individual.

(d) "Department" means the Michigan department of community health.

~~(e) "Designated condition" means any condition that is designated in R 325.172 as any of the following:~~

~~–(i) A serious communicable disease.~~

~~–(ii) A serious infection.~~

~~–(iii) A communicable disease.~~

~~–(iv) An infection.~~

~~–(v) A noncommunicable disease.~~

(e) ~~(f)~~ "Director" means the state director of community health or his or her designee.

(f) ~~(g)~~ "Epidemic" means any increase in the number of cases, above the number of expected cases, of any disease, infection, or other condition in a specific time period, area, or demographic segment of the population.

(g) ~~(h)~~ "Local health officer" means the health officer, or **his or her** designee, in the appropriate local health department.

- (h) ~~(i)~~ "Medical and epidemiological information" means any of the following:
- (i) Medical histories.
 - (ii) Results of examinations.
 - (iii) Findings on laboratory tests.
 - (iv) Diagnoses.
 - (v) Treatments employed.
 - (vi) Outcomes.
 - (vii) ~~The~~ Description and source of suspected causative agents.
 - (viii) Any other information that is pertinent to an investigation which is requested by the local health department or the department in the course of that investigation.
- (i) ~~(j)~~ "Novel influenza" ~~is defined as~~ **means** any strains or subtypes of influenza viruses not included in the current year influenza vaccine formulation.
- (k) "Venereal disease" means any of the following:
- (i) Syphilis.
 - (ii) Gonorrhea.
 - (iii) Chancroid.
 - (iv) Lymphogranuloma venereum.
 - (v) Granuloma inguinale.
- (2) Unless the context requires otherwise or as further clarified in these rules, terms defined in the code have the same meanings when used in these rules.

R 325.172 Disease reporting.

Rule 2. (1) The department, as required in MCL 333.5111 (1), annually reviews, maintains, and publishes a list of reportable diseases, infections, and disabilities on the department's website.

(2) Physicians and laboratories shall report tThe unusual occurrence, outbreak, or epidemic of any condition, including healthcare-associated infections, shall be reported to the local health department and to the department as required in R 325.173.

~~Designation and classification of diseases and infections:~~

~~Rule 2. (1) All of the following conditions are designated as serious communicable diseases:~~

- ~~-(a) Acquired immunodeficiency syndrome (AIDS).~~
- ~~-(b) Amebiasis.~~
- ~~-(c) Anaplasmosis.~~
- ~~-(d) Anthrax.~~
- ~~-(e) Arboviral Disease (includes West Nile virus, Eastern equine encephalitis, Western Equine Encephalitis, Powassan, St. Louis encephalitis, California group (Lacrosse encephalitis).~~
- ~~-(f) Aseptic (viral) meningitis.~~
- ~~-(g) Avian Influenza.~~
- ~~-(h) Blastomycosis.~~
- ~~-(i) Botulism.~~
- ~~-(j) Brucellosis.~~
- ~~-(k) Campylobacter enteritis.~~
- ~~-(l) Chancroid.~~
- ~~-(m) Chickenpox (Varicella).~~
- ~~-(n) Chlamydial disease, genital.~~
- ~~-(o) Cholera.~~
- ~~-(p) Coccidioidomycosis.~~
- ~~-(q) Cryptococcosis.~~

- ~~-(r) Cryptosporidiosis.~~
- ~~-(s) Cyclosporiasis.~~
- ~~-(t) Dengue fever.~~
- ~~-(u) Diphtheria.~~
- ~~-(v) Ehrlichiosis.~~
- ~~-(w) Encephalitis, viral.~~
- ~~-(x) Escherichia coli, Shiga toxin positive—serotype O157:H7 and others.~~
- ~~-(y) Giardiasis.~~
- ~~-(z) Glanders.~~
- ~~-(aa) Gonorrhea.~~
- ~~-(bb) Granuloma inguinale (Donovanosis).~~
- ~~-(cc) Haemophilus influenzae disease, meningitis, or epiglottitis.~~
- ~~-(dd) Hantavirus pulmonary syndrome.~~
- ~~-(ee) Hemolytic Uremic syndrome (HUS), postdiarrheal.~~
- ~~-(ff) Hepatitis A.~~
- ~~-(gg) Hepatitis B.~~
- ~~-(hh) Hepatitis C.~~
- ~~-(ii) Hepatitis D.~~
- ~~-(jj) Hepatitis E.~~
- ~~-(kk) Histoplasmosis.~~
- ~~-(ll) Human immunodeficiency virus (HIV).~~
- ~~-(mm) Influenza.~~
- ~~-(nn) Legionellosis.~~
- ~~-(oo) Leprosy.~~
- ~~-(pp) Leptospirosis.~~
- ~~-(qq) Listeriosis.~~
- ~~-(rr) Lyme disease.~~
- ~~-(ss) Lymphogranuloma venereum.~~
- ~~-(tt) Malaria.~~
- ~~-(uu) Measles (Rubeola).~~
- ~~-(vv) Meningococcal disease, meningitis, or meningococcemia.~~
- ~~-(ww) Meningitis, other bacterial.~~
- ~~-(xx) Mumps.~~
- ~~-(yy) Orthopox virus (includes smallpox and Monkeypox).~~
- ~~-(zz) Pertussis.~~
- ~~-(aaa) Plague.~~
- ~~-(bbb) Poliomyelitis, paralytic.~~
- ~~-(ccc) Psittacosis.~~
- ~~-(ddd) Q fever.~~
- ~~-(eee) Rabies, human.~~
- ~~-(fff) Rickettsial disease.~~
- ~~-(ggg) Rocky Mountain spotted fever.~~
- ~~-(hhh) Rubella.~~
- ~~-(iii) Rubella syndrome, congenital.~~
- ~~-(jjj) Salmonellosis.~~
- ~~-(kkk) Severe Acute Respiratory Syndrome (SARS).~~
- ~~-(lll) Shigellosis.~~

- ~~-(mmm) Spongiform encephalopathy (includes Creutzfeldt-Jakob disease).~~
- ~~-(nnn) Staphylococcus aureus infections, vancomycin intermediate/resistant VISA/VRSA).~~
- ~~-(ooo) Staphylococcus aureus infections methicillin resistant (MRSA) (outbreaks only).~~
- ~~-(ppp) Streptococcus pneumoniae infections, sterile sites, susceptible/resistant.~~
- ~~-(qqq) Streptococcal infections, Streptococcus pyogenes group A, sterile sites.~~
- ~~-(rrr) Syphilis.~~
- ~~-(sss) Tetanus.~~
- ~~-(ttt) Trachoma.~~
- ~~-(uuu) Trichinosis.~~
- ~~-(vvv) Tuberculosis.~~
- ~~-(www) Tularemia.~~
- ~~-(xxx) Typhoid fever.~~
- ~~-(yyy) Typhus.~~
- ~~-(zzz) Vibriosis.~~
- ~~-(aaaa) Viral hemorrhagic fevers, (includes Lassa fever and Congo-Crimean hemorrhagic fever).~~
- ~~-(bbbb) Yellow fever.~~
- ~~-(cccc) Yersinia enterocolitica.~~
- ~~-(dddd) The unusual occurrence, outbreak, or epidemic of any condition, including healthcare-associated infections.~~
- ~~-(2) All of the following are designated as serious infections if a laboratory confirms their presence in an individual:~~
- ~~-(a) Anaplasma phagocytophilum.~~
- ~~-(b) Arbovirus.~~
- ~~-(c) Bacillus anthracis.~~
- ~~-(d) Bordetella pertussis.~~
- ~~-(e) Borrelia burgdorferi.~~
- ~~-(f) Brucella species.~~
- ~~-(g) Calymmatobacterium granulomatis.~~
- ~~-(h) Campylobacter species.~~
- ~~-(i) Chlamydophila psittaci.~~
- ~~-(j) Chlamydia trachomatis.~~
- ~~-(k) Clostridium botulinum.~~
- ~~-(l) Clostridium tetani.~~
- ~~-(m) Coccidioides immitis.~~
- ~~-(n) Corynebacterium diphtheriae.~~
- ~~-(o) Coxiella burnetii.~~
- ~~-(p) Cryptococcus neoformans.~~
- ~~-(q) Cryptosporidium species.~~
- ~~-(r) Cyclospora species.~~
- ~~-(s) Dengue Virus.~~
- ~~-(t) Ehrlichia species.~~
- ~~-(u) Encephalitis (viral).~~
- ~~-(v) Entamoeba histolytica.~~
- ~~-(w) Escherichia coli, shiga toxin positive serotype O157:H7 and others.~~
- ~~-(x) Francisella tularensis.~~
- ~~-(y) Giardia lamblia.~~
- ~~-(z) Haemophilus ducreyi.~~

- ~~-(aa) Haemophilus influenzae type B, sterile sites or in patients less than 15 years of age.~~
- ~~-(bb) Hantavirus.~~
- ~~-(cc) Hemorrhagic fever viruses.~~
- ~~-(dd) Hepatitis A, IgM.~~
- ~~-(ee) Hepatitis B surface antigen.~~
- ~~-(ff) HIV (Confirmed positive HIV serology and detection tests; CD4 counts/percents and all viral loads on people already known to be infected).~~
- ~~-(gg) Histoplasma capsulatum.~~
- ~~-(hh) Influenza virus.~~
- ~~-(ii) Legionella species.~~
- ~~-(jj) Leptospira species.~~
- ~~-(kk) Listeria monocytogenes.~~
- ~~-(ll) Meningitis, other bacterial.~~
- ~~-(mm) Measles (Rubeola) virus.~~
- ~~-(nn) Mumps virus.~~
- ~~-(oo) Mycobacterium bovis.~~
- ~~-(pp) Mycobacterium leprae.~~
- ~~-(qq) Mycobacterium tuberculosis.~~
- ~~-(rr) Neisseria gonorrhoeae.~~
- ~~-(ss) Neisseria meningitidis.~~
- ~~-(tt) Novel influenza.~~
- ~~-(uu) Orthopox viruses.~~
- ~~-(vv) Plasmodium species.~~
- ~~-(ww) Poliovirus.~~
- ~~-(xx) Rabies virus.~~
- ~~-(yy) Rickettsia rickettsii.~~
- ~~-(zz) Rickettsia species.~~
- ~~-(aaa) Rubella virus.~~
- ~~-(bbb) Salmonella species.~~
- ~~-(ccc) SARS coronavirus.~~
- ~~-(ddd) Shigella species.~~
- ~~-(eee) Spongiform encephalopathy (includes Creutzfeldt-Jakob disease).~~
- ~~-(fff) Staphylococcus aureus, vancomycin intermediate/resistant VISA/VRSA.~~
- ~~-(ggg) Staphylococcus aureus, methicillin resistant – outbreak only.~~
- ~~-(hhh) Streptococcus pneumoniae, sterile sites, susceptible/resistant.~~
- ~~-(iii) Streptococcus pyogenes invasive, group A, sterile sites.~~
- ~~-(jjj) Treponema pallidum.~~
- ~~-(kkk) Trichinella spiralis.~~
- ~~-(lll) Varicella virus (Chickenpox).~~
- ~~-(mmm) Vibrio species.~~
- ~~-(nnn) Yellow fever virus.~~
- ~~-(ooo) Yersinia enterocolitica.~~
- ~~-(ppp) Yersinia pestis.~~
- ~~-(qqq) The unusual occurrence, outbreak, or epidemic of any infection.~~
- ~~-(3) All of the following conditions are designated as noncommunicable diseases:~~
 - ~~-(a) Guillain-Barre syndrome.~~
 - ~~-(b) Kawasaki disease.~~

- ~~–(c) Reye's syndrome.~~
- ~~–(d) Rheumatic fever.~~
- ~~–(e) Toxic shock syndrome.~~

R 325.173 Reporting and surveillance requirements.

Rule 3. (1) A physician shall report each case of a serious communicable disease ~~specified that is~~ **listed and maintained by the department as required in R-325.172, MCL 333.5111(1)**, except for human immunodeficiency virus infection and acquired immunodeficiency syndrome, within 24 hours of diagnosis or discovery, to the appropriate health department. Reporting requirements for human immunodeficiency virus infection and acquired immunodeficiency syndrome are set out in MCL 333.5114 and subrules (12) to (14) of this rule.

(2) A physician shall report the unusual occurrence of any disease, infection, or condition that threatens the health of the public, within 24 hours of diagnosis or discovery, to the appropriate local health department.

(3) A physician shall report noncommunicable diseases ~~that are specified~~ **listed and maintained by the department as required in R-325.172 MCL 333.5111(1)** within 3 days of diagnosis or discovery, to the appropriate local health department.

(4) A physician may report any disease, infection, or condition that is not included in subrule (1), (2), or (3) of this rule to the appropriate local health department according to the physician's medical judgment.

(5) A laboratory shall report, within 24 hours of discovery, both of the following to the appropriate local health department:

(a) Laboratory evidence of any serious infection ~~specified that is~~ **listed and maintained by the department as required in R-325.172 MCL 333.5111(1)**, except for human immunodeficiency virus which is governed by MCL 333.5114.

(b) Laboratory evidence of any other disease, infection, or condition that is judged by the laboratory director to indicate that the health of the public is threatened. A laboratory in this state that receives or processes specimens to be tested for the listed agents shall report a result confirming presence of a listed agent, even if the testing is not done on-site, for example, the specimen is shipped to an out-of-state reference laboratory for testing.

(6) When a physician or laboratory director suspects the presence of a designated condition, but does not have sufficient information to confirm its presence, the physician or laboratory shall report the designated condition as suspect to the appropriate local health department. Upon confirmation of the designated condition, a physician or laboratory director shall report the condition as confirmed to the appropriate local health department.

(7) A health facility infection control committee shall develop policies and procedures to ensure the appropriate reporting of designated conditions by physicians who treat individuals at that facility and by laboratories at that facility.

(8) All of the following individuals may report to the appropriate local health department any designated condition or any other disease, infection, or condition which comes to their professional attention and which poses a threat to the health of the public:

- (a) An administrator, epidemiologist, or infection control professional from a health care facility or other institution.
- (b) A dentist.
- (c) A nurse.
- (d) A pharmacist.
- (e) A physician's assistant.

(f) A veterinarian.

(g) Any other health care professional.

(9) A primary or secondary school, child day care center, or camp shall report, within 24 hours of suspecting, both of the following to the appropriate local health department:

(a) The occurrence among those in attendance of any of the serious communicable diseases ~~specified~~ **listed and maintained by the department as required** in ~~R—325.172~~, **MCL 333.5111(1)**, except for human immunodeficiency virus and acquired immunodeficiency syndrome which are governed by MCL 333.5131.

(b) The unusual occurrence, outbreak, or epidemic **of any disease, infection, or condition** among those in attendance ~~of any disease, infection, or condition~~.

(10) A report shall be directed to the appropriate local health department. A report may be written, oral, or transmitted by electronic media. A report shall be transmitted in a manner prescribed or approved by the appropriate local health department.

(11) Except as provided in subrules (13) and (14) of this rule, a required report by a physician shall contain all of the following information:

(a) The patient's full name.

(b) The patient's residential address, including street, city, village or township, county, and zip code.

(c) The patient's telephone number.

(d) The patient's date of birth, age, sex, race, and ethnic origin.

(e) The name of the disease, infection, or condition reported.

(f) The estimated date of the onset of the disease, infection, or condition, where applicable.

(g) The identity of the reporting person.

(h) Pertinent laboratory results.

(i) Any other information considered by the physician to be related to the health of the public.

(12) Acquired immunodeficiency syndrome (AIDS), human immunodeficiency virus (HIV) infection, tuberculosis, and venereal disease shall be reported by completing forms provided by the department.

(13) In addition to reporting requirements under section 5114 of the ~~public health~~ code for acquired immunodeficiency syndrome (AIDS), human immunodeficiency virus (HIV) infection, a physician shall report, if available, the ethnicity and country of birth, if known, of the test subject.

(14) Nothing in these rules is intended to limit use or disclosure of information needed by the department or local health department to carry out its responsibilities under the ~~public health~~ code as authorized by, but not limited to, MCL 333.5131.

(15) Viral influenza need only be reported by the number of cases identified during a specified time period or when influenza is suspected to have caused or contributed to mortality in a person aged less than 18 years, or if the infected individual traveled outside of North America within the 2 weeks prior to symptom onset.

(16) A required report by a laboratory shall contain all of the following information, except for human immunodeficiency virus and acquired immunodeficiency syndrome, which are governed by MCL 333.5114:

(a) The patient's full name.

(b) The patient's residential address, including street, city, village or township, county, and zip code.

(c) The patient's telephone number.

(d) The patient's date of birth or age.

(e) The patient's sex.

(f) The specific laboratory test, date performed, and the results.

(g) The name and address of the reporting laboratory.

(h) The name, address, and telephone number of the ordering person.

(17) To the extent that the information is readily available, a report of an unusual occurrence, outbreak, or epidemic of a disease, infection, or other condition shall include all of the following information:

(a) The nature of the confirmed or suspected disease, infection, or condition.

(b) The approximate number of cases.

(c) The approximate illness onset dates.

(d) The location of the outbreak.

(18) Within 24 hours of receiving a report, a local health department shall communicate the report of an individual who has a serious communicable disease ~~specified~~ **listed and maintained by the department as required in ~~R 325.172, MCL 333.5111(1) or a serious infection listed and maintained by the department as required in MCL 333.5111(1)~~** to the department and any other Michigan jurisdiction if the individual resides in that other jurisdiction.

(19) Within 3 days of receiving a report, a local health department shall communicate the report of an individual who has a noncommunicable disease ~~specified~~ **listed and maintained by the department as required in ~~R 325.172, MCL 333.5111(1)~~** to the department and another Michigan jurisdiction if the individual resides in that other jurisdiction.

(20) Within 24 hours of receiving a report that concerns an individual who resides outside of this state, a local health department shall forward the report to the department.

(21) Reports of designated conditions acquired by residents of a local health department's jurisdiction shall be recorded by the local health officer and shall be forwarded to the department in a format specified by the department.

R 325.174 Investigation of diseases, infections, epidemics, and situations with potential for causing diseases.

Rule 4. (1) **The department or** the local health department that has jurisdiction where an individual who has a reported condition resides or where an illness or infection is being or may be spread shall initiate an investigation as necessary.

(2) An investigator who presents official identification of the local health department or the department shall promptly be provided with medical, ~~and~~ epidemiologic, **and other** information pertaining to any of the following:

(a) Individuals who have designated conditions or other conditions of public health significance.

(b) Individuals, whether ill or well, who are part of a group in which an unusual occurrence, outbreak, or epidemic has occurred.

(c) Individuals who are not known to have a designated condition but whose medical or epidemiological information is needed for investigation into the cause of the occurrence of the condition.

(d) Individuals who were potentially exposed to a designated condition.

(e) Individuals who ~~have a declared critical health problem pursuant to the provisions of Act No. 312 of the Public Acts of 1978, being S325.71 et seq. of the Michigan Compiled Laws.~~ **may be a carrier or health threat to others under MCL 333.5201.**

(f) Any other information that may be relevant to an investigation under this rule.

(3) Requests for individual medical and epidemiologic information to validate the completeness and accuracy of reporting are specifically authorized. Information released in response to a request made by type of disease, infection, or condition or diagnostic code category may include information about

individuals who are not the primary focus of the request if it is not reasonably possible to delete it from the requested information.

(4) A representative of the local health department or the department may obtain human, animal, environmental, or other types of specimens or cause such specimens to be obtained by appropriate means, including venipuncture, in the course of an investigation of a reported disease, infection, or condition.

(5) The local health department shall transmit the results of its investigation of a report of an unusual occurrence of illness, outbreak, or epidemic to the department by an immediate informal report that shall be followed by progress reports and a final report. The reports shall be in a format that is acceptable to the department.

R 325.175 Procedures for physicians, **local health officers**, and schools for control of diseases and infections.

Rule 5. (1) A physician or other person who attends to a case of communicable disease shall arrange for appropriate barrier precautions, treatment, or isolation if needed to prevent the spread of infection to other household members, patients, or the community. A physician or other person who seeks information on appropriate precautionary measures may request the local health officer or the department to provide the necessary information. Appropriate isolation or other barrier precautions may be instituted for a case or a suspected case of disease, infection, or other condition by the local health officer or the department as necessary to protect the public health.

(2) When a school official reasonably suspects that a student has a ~~designated condition~~, **communicable disease** except for AIDS, HIV infection, and noncommunicable diseases, the official may exclude the student for a period sufficient to obtain a determination by a physician or local health officer as to the presence of a ~~designated condition~~ **communicable disease**.

(3) The local health officer may initiate the exclusion from school **or group programs** of a student **or individual** who has a ~~designated condition~~. **communicable disease**. A student **or individual** may be returned to school **or a group program** when a physician or local health officer indicates that the ~~student~~ **excluded individual** does not represent a risk to the other students **individuals**.

(4) **When a local health officer confirms or reasonably suspects that a student or individual attending school or a group program has a communicable disease, the health officer may, as a disease control measure, exclude from attendance any individuals lacking documentation of immunity or otherwise considered susceptible to the disease until such time as the health officer deems there to be no likely further risk of disease spread.**

R 325.176 Immunizations required of children attending group programs or entering school.

Rule 6. (1) As used in this rule:

(a) "Certificate of immunization" means a medical, health department, school, or personal record which indicates the dates when each dose of a vaccine was given to an individual and which is certified by a health professional or local health department.

(b) "Exemption" means a temporary or permanent waiver of 1 or more of the specific immunization requirements for medical, religious, or other reasons.

(c) "Medical exemption" means a written statement from a physician that a vaccination is medically contraindicated for a particular child for a specified period of time.

(d) "Religious or other exemption" means a written statement which is signed by the parent, guardian, or person in loco parentis of a child, which certifies that immunization is in conflict with

religious or other convictions of the signer, and which includes the name and date of birth of the child.

(e) "Vaccine" means an agent for immunization against an infection or disease caused by an infectious agent.

(2) A child who is 2 months through 3 months of age and who is registered in a program of group residence or care shall have received at least all of the following vaccines:

- (a) One dose of any appropriate diphtheria vaccine.
- (b) One dose of any appropriate tetanus vaccine.
- (c) One dose of any appropriate pertussis vaccine.
- (d) One dose of any appropriate poliovirus vaccine.
- (e) One dose of any appropriate *Haemophilus influenzae* type B vaccine.
- (f) One dose of any appropriate hepatitis B vaccine or a laboratory finding of hepatitis B immunity or disease satisfies this requirement.
- (g) One dose of any appropriate pneumococcal conjugate vaccine.

(3) A child who is 4 months through 5 months of age and who is registered in a program of group residence or care shall have received at least all of the following vaccines:

- (a) Two doses of any appropriate diphtheria vaccine.
- (b) Two doses of any appropriate tetanus vaccine.
- (c) Two doses of any appropriate pertussis vaccine.
- (d) Two doses of any appropriate poliovirus vaccine.
- (e) Two doses of any appropriate *Haemophilus influenzae* type B vaccine.
- (f) Two doses of any appropriate hepatitis B vaccine or a laboratory finding of hepatitis B immunity or disease satisfies this requirement.
- (g) Two doses of any appropriate pneumococcal conjugate vaccine.

(4) A child who is 6 months through 15 months of age and who is registered in a program of group residence or care shall have received at least all of the following vaccines:

- (a) Three doses of any appropriate diphtheria vaccine.
- (b) Three doses of any appropriate tetanus vaccine.
- (c) Three doses of any appropriate pertussis vaccine.
- (d) Two doses of any appropriate poliovirus vaccine.
- (e) Two doses of any appropriate *Haemophilus influenzae* type B vaccine.
- (f) Two doses of any appropriate hepatitis B vaccine or a laboratory finding of hepatitis B immunity or disease satisfies this requirement.
- (g) Pneumococcal conjugate vaccine as shown by either of the following:

- (i) Three doses of any appropriate pneumococcal conjugate vaccine.
- (ii) Receipt of an age appropriate complete series of any appropriate pneumococcal conjugate vaccine.

(5) A child who is 16 months through 18 months of age and who is registered in a program of group residence, care, or camping shall have received at least all of the following vaccines:

- (a) Three doses of any appropriate diphtheria vaccine.
- (b) Three doses of any appropriate tetanus vaccine.
- (c) Three doses of any appropriate pertussis vaccine.
- (d) Two doses of any appropriate poliovirus vaccine.
- (e) *Haemophilus Influenzae* type B vaccine age as shown by either of the following:
 - (i) Receipt of 1 dose of any appropriate *haemophilus influenzae* type B vaccine at or after 15 months of age.
 - (ii) Receipt of a complete series of any appropriate *haemophilus influenzae* type B vaccine.

(f) One dose of any appropriate live measles vaccine at or after 12 months of age. A laboratory finding of measles immunity satisfies this requirement.

(g) One dose of any appropriate live mumps vaccine at or after 12 months of age. A laboratory finding of mumps immunity satisfies this requirement.

(h) One dose of any appropriate live rubella vaccine at or after 12 months of age. A laboratory finding of rubella immunity satisfies this requirement.

(i) Two doses of any appropriate hepatitis B vaccine or a laboratory finding of hepatitis B immunity or disease satisfies this requirement.

(j) Pneumococcal conjugate vaccine as shown by either of the following:

(i) Four doses of any appropriate pneumococcal conjugate vaccine.

(ii) Receipt of an age appropriate complete series of any appropriate pneumococcal conjugate vaccine.

(6) A child who is 19 months through 4 years of age and who is registered in a program of group residence, care, or camping shall have received at least all of the following vaccines:

(a) Four doses of any appropriate diphtheria vaccine.

(b) Four doses of any appropriate tetanus vaccine.

(c) Four doses of any appropriate pertussis vaccine.

(d) Three doses of any appropriate poliovirus vaccine.

(e) Haemophilus influenzae type B vaccine as shown by either of the following:

(i) Receipt of 1 dose of any appropriate Haemophilus influenzae type B vaccine at or after 15 months of age.

(ii) Receipt of a complete series of any appropriate Haemophilus influenzae type B vaccine.

(f) One dose of any appropriate live measles vaccine at or after 12 months of age. A laboratory finding of measles immunity satisfies this requirement.

(g) One dose of any appropriate live mumps vaccine at or after 12 months of age. A laboratory finding of mumps immunity satisfies this requirement.

(h) One dose of any appropriate live rubella vaccine at or after 12 months of age. A laboratory finding of rubella immunity satisfies this requirement.

(i) Three doses of any appropriate hepatitis B vaccine or a laboratory finding of hepatitis B immunity or disease satisfies this requirement.

(j) Have evidence of varicella immunity as shown by any of the following:

(i) One dose of any appropriate varicella vaccine at or after 12 months of age.

(ii) Laboratory evidence of varicella immunity.

(iii) A parent, guardian, person in loco parentis, or physician statement that the child has had varicella disease.

(k) ~~Effective January 1, 2007, p~~ Pneumococcal conjugate vaccine as shown by either of the following:

(i) Four doses of any appropriate pneumococcal conjugate vaccine.

(ii) Receipt of an age appropriate complete series of any appropriate pneumococcal conjugate vaccine.

(iii) Receipt of 1 dose of any appropriate pneumococcal conjugate vaccine at or after 24 months of age.

(7) A child who is 5 years of age and who is registered in a program of group residence, care, or camping shall have received at least all of the following vaccines:

(a) Four doses of any appropriate diphtheria vaccine.

(b) Four doses of any appropriate tetanus vaccine.

(c) Four doses of any appropriate pertussis vaccine.

(d) Three doses of any appropriate poliovirus vaccine.

(e) One dose of any appropriate live measles vaccine at or after 12 months of age. A laboratory finding of measles immunity satisfies this requirement.

(f) One dose of any appropriate live mumps vaccine at or after 12 months of age. A laboratory finding of mumps immunity satisfies this requirement.

(g) One dose of any appropriate live rubella vaccine at or after 12 months of age. A laboratory finding of rubella immunity satisfies this requirement.

(h) Three doses of any appropriate hepatitis B vaccine or a laboratory finding of hepatitis B immunity or disease satisfies this requirement.

(i) Have evidence of varicella immunity as shown by any of the following:

(i) One dose of any appropriate varicella vaccine at or after 12 months of age.

(ii) Laboratory evidence of varicella immunity.

(iii) A parent, guardian, person in loco parentis, or physician statement that the child has had varicella disease.

(8) A child who is 4 years through 6 years of age and who is entering school shall be in compliance with all of the following immunization requirements:

(a) Have received 4 doses of any appropriate diphtheria vaccine and, if a dose was not received on or after the fourth birthday, a booster dose at school entry.

(b) Have received 4 doses of any appropriate tetanus vaccine and, if a dose was not received on or after the fourth birthday, a booster dose at school entry.

(c) Have received 4 doses of any appropriate pertussis vaccine and, if a dose was not received on or after the fourth birthday, a booster dose at school entry.

(d) Have received 4 doses of any appropriate polio vaccine. If dose 3 was administered **on or** after the fourth birthday only 3 doses are required.

(e) Have evidence of measles immunity as shown by either of the following:

(i) Two doses of any appropriate live measles vaccine received after the first birthday, not less than 28 days apart.

(ii) Laboratory evidence of measles immunity.

(f) Have evidence of mumps immunity as shown by either of the following:

(i) Two doses of any appropriate live mumps vaccine received after the first birthday, not less than 28 days apart.

(ii) Laboratory evidence of mumps immunity.

(g) Have evidence of rubella immunity as shown by either of the following:

(i) Two doses of any appropriate live rubella vaccine received after the first birthday, at least 28 days apart.

(ii) Laboratory evidence of rubella immunity.

(h) Three doses of any appropriate hepatitis B vaccine or a laboratory finding of hepatitis B immunity or disease satisfies this requirement.

(i) ~~(f)~~ Have evidence of varicella immunity as shown by any of the following:

(i) ~~Beginning January 1, 2010, +~~ Two doses of any appropriate live varicella vaccine at or after 12 months of age.

(ii) Laboratory evidence of varicella immunity.

(iii) A parent, guardian, person in loco parentis, or physician statement that the child has had varicella disease.

(9) A child who is 7 through 18 years of age and who is entering school or enrolled in grade ~~6~~ **7**, shall be in compliance with all of the following immunization requirements:

(a) Have received 4 doses of any appropriate diphtheria vaccine - 3 doses if the first dose was received on or after the ~~seventh~~ **first** birthday.

(b) Have received 4 doses of any appropriate tetanus vaccine - 3 doses if the first dose was received on or after the ~~seventh~~ first birthday.

(c) ~~Beginning January 1, 2010, h~~ Have received a dose of Tdap vaccine ~~on or after the 11th birthday if 5 years have lapsed since the last dose of tetanus or diphtheria containing vaccine for grades 7 and higher with children 11 years of age and older.~~

(d) Have received ~~3~~ 4 doses of any appropriate poliovirus vaccine. **If dose 3 was administered on or after the fourth birthday only 3 doses are required.**

(e) Have evidence of measles immunity as shown by either of the following:

(i) Two doses of any appropriate live measles vaccine received after the first birthday, not less than 28 days apart.

(ii) Laboratory evidence of measles immunity.

(f) Have evidence of mumps immunity as shown by either of the following:

(i) Two doses of any appropriate live mumps vaccine received after the first birthday, not less than 28 days apart.

(ii) Laboratory evidence of mumps immunity.

(g) Have evidence of rubella immunity as shown by either of the following:

(i) Two doses of any appropriate live rubella vaccine received after the first birthday, not less than 28 days apart.

(ii) Laboratory evidence of rubella immunity.

(h) Receipt of a complete series of any appropriate hepatitis B vaccine or a laboratory finding of hepatitis b immunity or disease satisfies this requirement.

(i) Have evidence of varicella immunity as shown by any of the following:

(i) ~~Beginning January 1, 2010, t~~ Two doses of any appropriate live varicella vaccine at or after 12 months of age.

(ii) Laboratory evidence of varicella immunity.

(iii) A parent, guardian, person in loco parentis, or physician statement that the child has had varicella disease.

(j) ~~Beginning January 1, 2010, individual 11 years of age or older h~~ Have received 1 dose of meningococcal conjugate vaccine **for grades 7 and higher with children 11 years of age and older.** ~~upon entry into 6th grade.~~

(10) To satisfy the requirements in subrules (2) to (9) of this rule, each vaccine shall have been administered in accordance with the manufacturer's instructions. A 4-day grace leniency is allowed on the minimum ages and intervals for each vaccine.

(11) If the requirements for immunization cannot be completed due to medical reasons within 4 months of admittance, a child ~~shall be permitted to~~ **may** remain enrolled in a school or group program for a reasonable length of time that is consistent with good medical practice. A statement requesting the enrollment of the child beyond the exclusion date shall be signed by a physician or local health officer and shall certify that the child is in the process of complying with all immunization requirements. This medical exemption shall be filed with the child's school or group program immunization records until it can be replaced with proof that the vaccines for which an exemption was granted have been received. Upon completion of the required immunizations, a parent shall present the school or group program with a certificate of immunization.

(12) When presented with a medical exemption, religious or other exemption, the administrator of a child's school or operator of a child's group program shall recognize the exemption status of the child. **Each nonmedical exemption filed at the child's school or group program of a child entering a program after December 31, 2014 must shall be certified by the local health department that the individual received education on the risks of not receiving the vaccines being waived and the**

benefits of vaccination to the individual and the community. All waivers will shall be submitted using the waiver form prescribed by the department.

(13) A standard record of the immunizations required by this rule and exemptions shall be maintained by every school for every pupil on forms supplied by the department. When a pupil transfers to another school or school district, the record of immunization, or a true copy of the record, shall be sent to the new school by the original school.

(14) All of the following information shall be provided to fulfill the requirements of section 9209(1) of the code:

- (a) A listing, by child, of the number of doses of each vaccine received.
- (b) The date of each immunization for each vaccine received in the series.
- (c) A listing, by type of exemption granted, of the children who have exemptions.

(15) Not less than 95% of entering students in a school, — less the entering students who have medical, religious, or other exemptions, — shall have received vaccinations as outlined in subrules (8) and (9) of this rule.

(16) A principal of a school or operator of a group program shall make immunization records available for inspection by authorized representatives of the department or the appropriate local health department. The local health officer shall also make public clinic immunization records available to local schools or group programs for the purpose of verifying pupil immunizations.

(17) A requirement for immunization with a specific vaccine may be suspended temporarily at the request of the department director for reasons of inadequate vaccine supply.

~~R 325.178—State aid for tuberculosis patients.—Rescinded.~~

~~—Rule 8. (1) As used in this rule:~~

~~—(a) "Form" means a form furnished by the department.~~

~~—(b) "Hospital" means a hospital or nursing home that is approved by the department for receipt of state aid for tuberculosis patients.~~

~~—(c) "Tuberculosis patient" means a patient who has laboratory confirmed or clinically or radiographically suspect tuberculosis.~~

~~—(2) An official application form that is signed by the patient or the parent or guardian or person in loco parentis, a physician, and the health officer of the jurisdiction in which the patient is found or is domiciled shall be on file in the hospital at the time of admission for each tuberculosis patient in the hospital, except for any of the following patients:~~

~~—(a) A private paying tuberculosis patient.~~

~~—(b) A tuberculosis patient who is committed to the hospital by the probate court in accordance with the provisions of sections 5203, 5205, and 5207 of the code.~~

~~—(c) A tuberculosis patient who is transferred from another hospital in accordance with the provisions of subrule (4) of this rule.~~

~~—(d) A patient who is admitted for a non-tuberculosis condition and who is later suspected of having, or proven to have, tuberculosis. With respect to this subdivision, the health officer of the jurisdiction in which the tuberculosis patient is domiciled shall be immediately notified and liability for care shall not be incurred until the health officer approves such care by signing a form. The health officer shall not be required to sign the form retroactively, thereby obligating public funds for the care of a tuberculosis patient who was not properly reported in a timely manner.~~

~~—(3) A hospital admission report form shall be sent to the department within 4 days after the admission of a tuberculosis patient, including a private tuberculosis patient. A resident of the state at large may be admitted to an approved tuberculosis hospital in accordance with the procedure~~

~~set forth in this rule. An application form for care as a state-at-large tuberculosis patient shall be completed and submitted to the department as soon as possible after admission.~~

~~–(4) The administrator of a hospital shall send a hospital discharge report form to the department within 4 days after the transfer, discharge, or death of a tuberculosis patient, including a private tuberculosis patient. When the day of discharge can be anticipated, the administrator of the hospital shall notify the local health officer of the jurisdiction in which the tuberculosis patient plans to live of the probable date of discharge. When a tuberculosis patient leaves the hospital against medical advice, the~~

~~administrator shall, within 24 hours thereafter, notify both the local health officer of the county responsible for the tuberculosis patient's hospital care and the local health officer of the jurisdiction to which the tuberculosis patient is believed to have gone. State and county financial responsibility for a tuberculosis patient who is admitted as a tuberculosis case or suspect case shall terminate as of the date the patient is found to not have tuberculosis.~~

~~–(5) Voucher forms shall be sent to the department for reporting individual county charge tuberculosis patients who are treated in accordance with the law. The report shall contain all of the following information:~~

~~–(a) The name of each patient.~~

~~–(b) The county to which the voucher is payable.~~

~~–(c) The beginning and ending dates of the period of time covered by the report.~~

~~–(d) The amount of subsidy calculated at the rate established by law. Subsidy will be paid from the day of admission or clinical suspicion, but not for the day of discharge. The original copy of the voucher shall be forwarded to the county clerk or clerk of the board of auditors of the county that is to receive the subsidy payments. The clerk, after affixing his or her signature, shall send the original to the department.~~

~~–(6) When a decision of the state family independence agency as to the county of domicile has been rendered in accordance with the provisions of section 5303 of the code and the county determined to be responsible fails to adhere thereto, payments shall not be made to that county for the care of tuberculosis patients in any hospital until payment for the cases in question has been made.~~

~~–(7) Voucher forms for state-at-large tuberculosis patients shall be processed the same as county vouchers, except that instead of the county treasurer, the payee will be the hospital where care is received. Payment will be made at the Medicaid interim cost charge percentage rate for each hospital that was in effect at the time of admission. Payments will be cost-settled in conjunction with the department's Medicaid program. Each hospital shall provide a copy of an audit report covering the time periods for which reimbursement was made. In addition, hospitals shall notify the department of any audit adjustments related to tuberculosis reimbursements. Payment will not be made for hospitalization until the application form has been received and approved by the department. If an individual is readmitted to a hospital, a second application form shall be sent to the department for each subsequent admission of a nonveteran state-at-large tuberculosis patient. It is not necessary to submit a second form for a tuberculosis patient whose care has been previously authorized as care for a state-at-large tuberculosis patient on the basis of his or her having been honorably discharged from the military service of the United States. A voucher shall bear the certification of the director of patient accounts that any future collections from another source shall be credited to the department. If subsequent investigation shows that a tuberculosis patient authorized and paid for as a state-at-large tuberculosis patient was a legal responsibility of a county in this state, the proper adjustment to the state-at-large account shall be made immediately by the hospital. Further state-at-large payments will not be made to the hospital until the adjustment has been made.~~

~~–(8) Payments for outpatient services for state at large tuberculosis patients will not be made until a properly completed case report form and an approved state at large application form are on file with the department. To secure payment for services and drugs, the payee shall submit a form, on a quarterly basis, listing the names of tuberculosis patients served, the type of service, and the cost. Costs shall be based on the latest fee schedule provided by the department.~~

~~–(9) Failure to comply with any requirement of these rules or of the code is grounds for withholding state payments to the county or the hospital failing to comply.~~

R 325.179a. Submission of other designated conditions specimens.

Rule 9a. (1) A laboratory shall submit to the department the first isolate or subculture thereof, or specimen where appropriate, from the patient being tested, any of the following:

(a) Specimens suspected to contain and suspect isolates of any of the following:

- (i) *Bacillus anthracis*.
- (ii) *Brucella* species.
- (iii) *Burkholderia pseudomallei*.
- (iv) *Burkholderia mallei*.
- (v) *Clostridium botulinum*.
- (vi) *Coxiella burnetii*.
- (vii) *Francisella tularensis*.
- (viii) Orthopox viruses, (including smallpox and monkey pox).
- (ix) *Yersinia pestis*.

(b) Specimens that contain and isolates any of the following:

- (i) *Corynebacterium diphtheriae*.
- (ii) *Escherichia coli* 0157:H7 and all other shiga toxin positive serotypes.
- (iii) *Haemophilus influenza*, (only if isolate collected from a normally sterile site or if patient is less than 15 years of age).

(iv) ***Legionella* species.**

(v) *Listeria monocytogenes*.

(vi) (v) *Neisseria meningitidis*, (only if isolate collected from a normally sterile site).

(vii) (vi) Novel influenza.

(viii) (vii) *Salmonella* species including Typhi.

(ix) (viii) Severe Acute Respiratory Syndrome (SARS) coronavirus.

(x) (ix) *Shigella* species.

(xi) (x) *Staphylococcus aureus*, (only vancomycin intermediate and resistant).

(xii) (xi) *Vibrio cholera*.

(xiii) (xii) *Vibrio parahaemolyticus*.

(xiv) (xiii) *Vibrio vulnificus*.

R 325.180 Procedures for control of rabies; disposition of rabid animals.

Rule 10. (1) For the purposes of this rule, animals that are subject to rabies testing are any nonhuman mammals, except for rabbits or hares and rodents other than woodchucks.

(2) As used in this rule, "owner" means a person who has a right of property ownership of an animal, who keeps or harbors an animal, who has custody of an animal, or who permits an animal to remain on or about any premises occupied by the person.

(3) Any laboratory in this state that conducts examinations of animals for rabies shall report all of the following data to the department within 7 days after examination:

- (a) Species of animal.
- (b) Name and address of the owner of the animal.
- (c) Name and address of the person who submits the specimen.
- (d) Name and address of the individuals who have been exposed to the animal or the name and address of the owner of the pet that has been exposed to the animal.
- (e) Date and results of the examination.

(4) A physician who performs a postmortem on the body of an individual who died of rabies or who was suspected of dying of rabies shall immediately submit nonpreserved portions of the hippocampus major and spinal cord to the department for rabies examination. A history of the case shall accompany the specimens.

(5) An animal that has bitten an individual or otherwise potentially exposed an individual to rabies shall be handled pursuant to the provisions of the publication entitled "Compendium of Animal Rabies Control, **2011 2008**" issued by the national association of state public health veterinarians (NASPHV). The provisions of the publication entitled "Compendium of Animal Rabies Control, **2011 2008**" or **most recent version**, are adopted by reference in these rules. Copies of this publication may be obtained from the State Public Health Veterinarian, Communicable Disease Epidemiology Division, Bureau of **Disease Control, Prevention & Epidemiology**, Michigan Department of Community Health, 201 Townsend Street, 5th Floor, Lansing, Michigan 48909 at no cost as of the time of adoption of these rules.

(6) Any person who has knowledge of an animal bite where rabies is suspected shall, within 24 hours of the biting incident, report the bite to the appropriate local health department and to the local health department where the bite occurred. The report shall include all of the following information:

- (a) Animal species inflicting the bite.
- (b) Animal owner's name, address, and telephone number.
- (c) Vaccination status of the animal.
- (d) Date and location of the biting incident.
- (e) Name, address, and telephone number of the individual bitten.
- (f) Site of the bite on the body.
- (g) Name of the reporter of the bite.

(7) Upon request by the department or local health department, any person who has information regarding the identity, whereabouts, or vaccination status of an animal that has bitten an individual or otherwise potentially exposed an individual to rabies, or information about the owner of the animal, shall provide information about the animal or the animal's owner to the department or local health department.

R 325.181 Confidentiality of reports, records, and data pertaining to testing, diagnosis, care, treatment, reporting, and research.

Rule 11. (1) This rule applies to the ~~designated conditions~~ **communicable, serious communicable, chronic and noncommunicable diseases, infections, and disabilities listed and maintained by the department as required in MCL 333.5111 (1)**, except for human immunodeficiency virus (HIV) infection and acquired immunodeficiency syndrome (AIDS).

(2) Medical and epidemiological information ~~which that~~ identifies an individual and ~~which that~~ is gathered in connection with an investigation is confidential and is not open to public inspection without the individual's consent or the consent of the individual's guardian, unless public

inspection is necessary to protect the public health as determined by a local health officer or the director.

(3) Medical and epidemiological information that is released to a legislative body shall not contain information that identifies a specific individual.

NOTICE OF PUBLIC HEARING

DEPARTMENT OF COMMUNITY HEALTH

BUREAU OF EPIDEMIOLOGY

COMMUNICABLE AND RELATED DISEASES

Rule Set 2014-073-CH

NOTICE OF PUBLIC HEARING

November 5, 2014

The Michigan Department of Community Health Bureau of Epidemiology Division of Immunization will hold a public hearing on Wednesday, November 5, 2014 at the offices of the Michigan Department of Community Health, 201 Townsend, Lansing, Michigan in the Conference Center, 1st floor, Room B at 9:00 a.m. This hearing will be held to receive public comments from interested persons on proposed amendments to the rules governing immunization requirements and disease and infection reporting.

These rules are promulgated under the authority of sections 2221, 2226(d), 2231(1), 2233, 5111, 5125, and 9227 of PA 368 of 1978; MCL 333.221, 333.226(d), 333.2231(1), 333.2233, 333.5111, 333.5125, 333.9227, 330.3101, 333.26324, 333.5114 of the Michigan Compiled Laws. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Hearing comments may be presented in person with written comments available at the time of presentation. Individuals may also submit written comments by e-mail to the address listed below. Written comments must be received by 4:00 p.m. on November 5, 2014. Copies of the proposed rules may also be obtained by mail or e-mail at the following address:

Department of Community Health
Office of Legal Affairs
201 Townsend St.
Lansing, Michigan 48913
Attention: Christine Dingee
E-mail address: dingeec1@michigan.gov
Phone: (517) 241-5794

All hearings are conducted in compliance with the 1990 Americans with Disabilities Act. Hearings are held in buildings that accommodate mobility-impaired individuals and accessible parking is available. A disabled individual who requires accommodations for effective participation in a hearing should call Christine Dingee at the above number, to make the necessary arrangements. To ensure availability of the accommodation, please call ten days in advance.

ORR # 2014-073-CH

October 15, 2014

**CORRECTION OF OBVIOUS
ERRORS IN PUBLICATION**

MCL 24.256(1) states in part:

“Sec. 56. (1) The Office of Regulatory Reform shall perform the editorial work for the Michigan register and the Michigan Administrative Code and its annual supplement. The classification, arrangement, numbering, and indexing of rules shall be under the ownership and control of the Office of Regulatory Reform, shall be uniform, and shall conform as nearly as practicable to the classification, arrangement, numbering, and indexing of the compiled laws. The Office of Regulatory Reform may correct in the publications obvious errors in rules when requested by the promulgating agency to do so...”

**CORRECTION OF OBVIOUS
ERRORS IN PUBLICATION**

October 7, 2014

Liz Smalley
Office of Regulatory Reinvention
Ottawa Building-2nd Floor
611 W. Ottawa St.
Lansing, MI 48909

Ms. Smalley

In accordance with MCL 24.256(1) of the Administrative Procedures Act, we are asking your office to correct one obvious error noted in the Dentistry—General Rules in R 338.11401(a).

The rule currently states:

- (a) “Assignment” means that a dentist designates a patient of record upon whom services are to be performed and describes the procedures to be performed. Unless assignment is designated in these rules under general or direct supervision, the dentist must be physically present in the office at the time the procedures are being performed.

The rule should state:

- (a) “Assignment” means that a dentist designates a patient of record upon whom services are to be performed and describes the procedures to be performed. Unless assignment is designated in these rules under general or direct supervision, the dentist need not be physically present in the office at the time the procedures are being performed.

This amended definition of assignment will match the definition in the Michigan Public Health Code, MCL 333.16601.

As such, we are requesting be amended in accordance with MCL 24.256(1), due to an obvious error.

Sincerely,

Elaine Barr, Policy Analyst
LARA - Bureau of Health Care Services

MICHIGAN ADMINISTRATIVE CODE TABLE
(2014 SESSION)

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(i) Other official information considered necessary or appropriate by the Office of Regulatory Reform.”

The following table cites administrative rules promulgated during the year 2000, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).

MICHIGAN ADMINISTRATIVE CODE TABLE
(2014 RULE FILINGS)

R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue
Rule 1	A	7	29.2928	A	6	29.4753	A	19
Rule 2	A	7	29.2929	A	6	29.4754	A	19
Rule 3	A	7	29.4601	R	19	29.4755	A	19
Rule 4	A	7	29.4602	R	19	29.5101	R	19
Rule 5	A	7	29.4621	R	19	29.5102	R	19
Rule 6	A	7	29.4622	R	19	29.5103	R	19
Rule 7	A	7	29.4623	R	19	29.5104	R	19
Rule 8	A	7	29.4624	R	19	29.5105	R	19
Rule 9	A	7	29.4625	R	19	29.5201	R	19
Rule 10	A	7	29.4626	R	19	29.5202	R	19
Rule 11	A	7	29.4627	R	19	29.5203	R	19
Rule 12	A	7	29.4628	R	19	29.5204	R	19
Rule 13	A	7	29.4629	R	19	29.5205	R	19
Rule 14	A	7	29.4630	R	19	29.5206	R	19
Rule 15	A	7	29.4631	R	19	29.5207	R	19
Rule 16	A	7	29.4632	R	19	29.5208	R	19
Rule 17	A	7	29.4633	R	19	29.5209	R	19
Rule 18	A	7	29.4634	R	19	29.5210	R	19
Rule 19	A	7	29.4635	R	19	29.5211	R	19
Rule 20	A	7	29.4636	R	19	29.5212	R	19
Rule 21	A	7	29.4637	R	19	29.5213	R	19
Rule 22	A	7	29.4638	R	19	29.5214	R	19
28.4001	R	19	29.4639	R	19	29.5215	R	19
28.4002	R	19	29.4640	R	19	29.5216	R	19
28.4003	R	19	29.4641	R	19	29.5217	R	19
28.4004	R	19	29.4642	R	19	29.5218	R	19
28.4005	R	19	29.4643	R	19	29.5219	R	19
28.4006	R	19	29.4644	R	19	29.5220	R	19
28.4007	R	19	29.4646	R	19	29.5221	R	19
29.2904	R	6	29.4647	R	19	29.5222	R	19
29.2905	*	6	29.4648	R	19	29.5223	R	19
29.2906	*	6	29.4649	R	19	29.5224	R	19
29.2907	*	6	29.4650	R	19	29.5225	R	19
29.2909	*	6	29.4651	R	19	29.5226	R	19
29.2913	*	6	29.4652	R	19	29.5227	R	19
29.2914	*	6	29.4701	A	19	29.5228	R	19
29.2915	*	6	29.4702	A	19	29.5229	R	19
29.2920	*	6	29.4751	A	19	29.5230	R	19
29.2927	A	6	29.4752	A	19	29.5231	R	19

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue
29.5232	R	19	29.5316	R	19	29.5414	R	19
29.5233	R	19	29.5317	R	19	29.5415	R	19
29.5234	R	19	29.5318	R	19	29.5416	R	19
29.5235	R	19	29.5319	R	19	29.5417	R	19
29.5236	R	19	29.5320	R	19	29.5418	R	19
29.5237	R	19	29.5321	R	19	29.5419	R	19
29.5238	R	19	29.5322	R	19	29.5501	R	19
29.5239	R	19	29.5323	R	19	29.5502	R	19
29.5240	R	19	29.5324	R	19	29.5503	R	19
29.5241	R	19	29.5325	R	19	29.5504	R	19
29.5242	R	19	29.5326	R	19	29.5505	R	19
29.5243	R	19	29.5327	R	19	29.5506	R	19
29.5244	R	19	29.5328	R	19	29.5507	R	19
29.5245	R	19	29.5329	R	19	29.5508	R	19
29.5246	R	19	29.5330	R	19	29.5509	R	19
29.5247	R	19	29.5331	R	19	29.5510	R	19
29.5248	R	19	29.5332	R	19	29.5511	R	19
29.5249	R	19	29.5333	R	19	29.5512	R	19
29.5250	R	19	29.5334	R	19	29.5513	R	19
29.5251	R	19	29.5335	R	19	29.5514	R	19
29.5252	R	19	29.5336	R	19	29.5515	R	19
29.5253	R	19	29.5337	R	19	29.5516	R	19
29.5254	R	19	29.5338	R	19	29.5601	A	19
29.5255	R	19	29.5339	R	19	29.5602	A	19
29.5301	R	19	29.5340	R	19	29.5603	A	19
29.5302	R	19	29.5341	R	19	29.5604	A	19
29.5303	R	19	29.5401	R	19	29.5605	A	19
29.5304	R	19	29.5402	R	19	29.5651	A	19
29.5305	R	19	29.5403	R	19	29.5652	A	19
29.5306	R	19	29.5404	R	19	29.5653	A	19
29.5307	R	19	29.5405	R	19	29.5654	A	19
29.5308	R	19	29.5406	R	19	29.5655	A	19
29.5309	R	19	29.5407	R	19	29.5656	A	19
29.5310	R	19	29.5408	R	19	29.5657	A	19
29.5311	R	19	29.5409	R	19	29.5658	A	19
29.5312	R	19	29.5410	R	19	29.5659	A	19
29.5313	R	19	29.5411	R	19	29.5660	A	19
29.5314	R	19	29.5412	R	19	29.5661	A	19
29.5315	R	19	29.5413	R	19	29.5662	A	19

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue
29.5663	A	19	29.5913	A	19	29.6068	R	19
29.5564	A	19	29.5914	A	19	29.6069	R	19
29.5701	A	19	29.5915	A	19	29.6070	R	19
29.5702	A	19	29.5916	A	19	29.6071	R	19
29.5703	A	19	29.5917	A	19	29.6072	R	19
29.5704	A	19	29.6001	R	19	29.6073	R	19
29.5705	A	19	29.6002	R	19	29.6074	R	19
29.5706	A	19	29.6036	R	19	29.6075	R	19
29.5707	A	19	29.6037	R	19	29.6076	R	19
29.5708	A	19	29.6038	R	19	29.6077	R	19
29.5709	A	19	29.6039	R	19	29.6078	R	19
29.5801	A	19	29.6040	R	19	29.6079	R	19
29.5802	A	19	29.6041	R	19	29.6080	R	19
29.5803	A	19	29.6042	R	19	29.6081	R	19
29.5804	A	19	29.6043	R	19	29.6082	R	19
29.5805	A	19	29.6044	R	19	29.6083	R	19
29.5806	A	19	29.6045	R	19	29.6084	R	19
29.5807	A	19	29.6046	R	19	29.6085	R	19
29.5808	A	19	29.6047	R	19	29.6086	R	19
29.5809	A	19	29.6048	R	19	29.6087	R	19
29.5810	A	19	29.6049	R	19	29.6088	R	19
29.5811	A	19	29.6050	R	19	29.6089	R	19
29.5812	A	19	29.6051	R	19	29.6090	R	19
29.5813	A	19	29.6052	R	19	29.6091	R	19
29.5814	A	19	29.6053	R	19	29.6092	R	19
29.5815	A	19	29.6054	R	19	29.6093	R	19
29.5816	A	19	29.6055	R	19	29.6094	R	19
29.5901	A	19	29.6056	R	19	29.6095	R	19
29.5902	A	19	29.6057	R	19	29.6096	R	19
29.5903	A	19	29.6058	R	19	29.6097	R	19
29.5904	A	19	29.6059	R	19	29.6073	R	19
29.5905	A	19	29.6060	R	19	29.6101	A	19
29.5906	A	19	29.6061	R	19	29.6102	A	19
29.5907	A	19	29.6062	R	19	29.6151	A	19
29.5908	A	19	29.6063	R	19	29.6152	A	19
29.5909	A	19	29.6064	R	19	29.6153	A	19
29.5910	A	19	29.6065	R	19	29.6154	A	19
29.5911	A	19	29.6066	R	19	29.6155	A	19
29.5912	A	19	29.6067	R	19	32.1	R	1

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue
32.2	R	1	285.113.1	R	9	285.150.58	R	15
32.3	R	1	285.150.1	R	15	285.2101	R	17
32.4	R	1	285.150.3	R	15	285.2102	R	17
32.5	R	1	285.150.5	R	15	285.2103	R	17
32.6	R	1	285.150.21	R	15	285.2104	R	17
32.7	R	1	285.150.22	R	15	285.2105	R	17
32.101	R	1	285.150.23	R	15	285.2106	R	17
32.102	R	1	285.150.24	R	15	285.2107	R	17
32.103	R	1	285.150.25	R	15	285.2108	R	17
32.104	R	1	285.150.26	R	15	285.2109	R	17
32.105	R	1	285.150.27	R	15	285.2110	R	17
32.106	R	1	285.150.28	R	15	285.2111	R	17
32.107	R	1	285.150.29	R	15	285.2112	R	17
32.151	R	1	285.150.31	R	15	285.2113	R	17
32.172	*	1	285.150.32	R	15	285.2201	R	17
35.631	R	5	285.150.33	R	15	285.2202	R	17
35.632	R	5	285.150.34	R	15	285.2203	R	17
35.633	R	5	285.150.35	R	15	285.2204	R	17
35.634	R	5	285.150.36	R	15	285.2205	R	17
35.639	R	5	285.150.37	R	15	285.2301	R	17
125.501	R	13	285.150.38	R	15	285.2302	R	17
125.502	R	13	285.150.39	R	15	285.2303	R	17
125.503	R	13	285.150.41	R	15	285.2304	R	17
125.504	R	13	285.150.42	R	15	285.2305	R	17
125.505	R	13	285.150.43	R	15	285.2306	R	17
125.506	R	13	285.150.44	R	15	299.921	*	2
125.507	R	13	285.150.45	R	15	299.922	*	2
125.508	R	13	285.150.46	R	15	299.923	*	2
125.509	R	13	285.150.47	R	15	299.924	*	2
125.510	R	13	285.150.48	R	15	299.926	*	2
125.511	R	13	285.150.49	R	15	299.927	*	2
125.512	R	13	285.150.50	R	15	299.928	*	2
125.513	R	13	285.150.51	R	15	299.929	*	2
281.763.67	R	3	285.150.52	R	15	299.930	*	2
281.1001	*	12	285.150.53	R	15	299.931	*	2
281.1031	*	12	285.150.54	R	15	299.932	*	2
281.1033	*	12	285.150.55	R	15	299.925	R	2
281.1034	*	12	285.150.56	R	15	299.4113	R	13
281.11010	*	5	285.150.57	R	15	299.4114	R	13

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue
299.4115	R	13	325.9063	R	16	325.9553	A	3
299.4116	R	13	325.9064	R	16	325.9505	R	3
299.4118	R	13	325.9065	R	16	325.9507	R	3
299.4119	R	13	325.9066	R	16	325.9511	R	3
299.4122	R	13	325.9067	R	16	325.9513	R	3
299.4123	R	13	325.9101	*	3	325.9515	R	3
299.4124	R	13	325.9103	*	3	325.9519	R	3
299.4125	R	13	325.9105	*	3	325.9521	R	3
299.4126	R	13	325.9109	*	3	325.9523	R	3
299.4127	R	13	325.9121	*	3	325.9571	A	3
318.201	R	9	325.9123	*	3	325.9572	A	3
318.202	R	9	325.9125	*	3	325.9573	A	3
318.203	R	9	325.9201	*	3	325.9574	A	3
318.204	R	9	325.9204	*	3	325.9575	A	3
318.205	R	9	325.9205	*	3	325.9576	A	3
318.206	R	9	325.9206	*	3	325.9577	A	3
318.207	R	9	325.9207	*	3	325.9578	A	3
318.208	R	9	325.9208	*	3	325.9579	A	3
318.211	R	9	325.9215	*	3	325.9580	A	3
324.91	A	2	325.9227	*	3	325.9581	A	3
324.92	A	2	325.9229	*	3	325.9582	A	3
324.93	A	2	325.9301	*	3	325.47201	*	15
325.921	R	16	325.9303	*	3	4401	R	15
325.922	R	16	325.9401	*	3	325.50091	*	1
325.923	R	16	325.9403	*	3	325.50092	*	1
325.924	R	16	325.9413	*	3	325.50093	A	1
325.925	R	16	325.9415	*	3	325.51602	*	7
325.926	R	16	325.9417	*	3	325.51605	*	7
325.3452	*	1	325.9419	*	3	325.51606	*	7
325.3453	*	1	325.9203	R	3	325.51609	*	7
325.3457	*	1	325.9501	R	3	325.51610	*	7
325.3466	*	1	325.9503	R	3	325.51611	*	7
325.3472	*	1	325.9509	R	3	325.51614	*	7
325.3472a	*	1	325.9517	R	3	325.51616	*	7
325.3475	*	1	325.9525	R	3	325.51618	*	7
325.3451a	A	1	325.9210	A	3	325.51619	*	7
325.3476	R	1	325.9228	A	3	325.51622	*	7
325.9061	R	16	325.9551	A	3	325.51624	*	7
325.9062	R	16	325.9552	A	3	325.51625	*	7

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue
325.51626	*	7	325.60010	*	3	325.77105e	A	15
325.51601a	A	7	325.60011	*	3	325.771105f	A	15
325.51611a	A	7	325.60002a	A	3	325.77106a	A	15
325.51614a	A	7	325.60002b	A	3	325.77109a	A	15
325.51623a	A	7	325.60003a	A	3	325.77109b	A	15
325.51623b	A	7	325.60008a	A	3	325.77109c	A	15
325.51604	R	7	325.60004	R	3	325.77109d	A	15
325.51623	R	7	325.60007	R	3	325.77109e	A	15
325.51628	R	7	325.60012	R	3	325.77109f	A	15
325.51991	*	3	325.60013	R	3	325.77109g	A	15
325.51992	*	3	325.60051	*	1	325.77109h	A	15
325.51993	A	3	325.60052	*	1	325.77110a	A	15
325.52102	*	6	325.70101	*	1	325.77110b	A	15
325.52103	*	6	325.70103	*	1	325.77110c	A	15
325.52104	*	6	325.70107	*	1	325.77111a	A	15
325.52109	*	6	325.70109	*	1	325.77111b	A	15
325.52113	*	6	325.70110	*	1	325.77110	R	15
325.52114	*	6	325.70111	*	1	325.77114	R	15
325.52116	*	6	325.70102a	A	1	325.77115	R	15
325.52117	*	6	325.70113	R	1	336.2013a	A	9
325.52118	*	6	325.70114	R	1	336.2104	*	9
325.52123	*	6	325.77001	*	2	336.2150	*	9
325.52124	*	6	325.77002	*	2	336.2151	*	9
325.52125	*	6	325.77003	*	2	336.2153	*	9
325.52127	*	6	325.77004	A	2	336.2155	*	9
325.52129	*	6	325.77101	*	15	336.2157	*	9
325.52130	*	6	325.77102	*	15	336.2160	*	9
325.52131	*	6	325.77105	*	15	336.2170	*	9
325.52135	*	6	325.77106	*	15	336.2175	*	9
325.52102a	A	6	325.77107	*	15	336.2176	*	9
325.52136	R	6	325.77108	*	15	336.2199	*	9
325.52137	R	6	325.77109	*	15	336.2158	R	9
325.60001	*	3	325.77111	*	15	336.2161	R	9
325.60002	*	3	325.77112	*	15	336.2413	*	18
325.60003	*	3	325.77101a	A	15	336.2415	*	18
325.60005	*	3	325.77105a	A	15	336.2414	R	18
325.60006	*	3	325.77105b	A	15	338.921	*	3
325.60008	*	3	325.77105c	A	15	338.922	*	3
325.60009	*	3	325.77105d	A	15	338.923	*	3

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue
338.924	*	3	338.1231	A	11	338.3601	A	18
338.925	*	3	338.1232	A	11	338.3603	A	18
338.926	*	3	338.1233	A	11	338.3605	A	18
338.927	*	3	338.1233a	A	11	338.3607	A	18
338.928	*	3	338.1234	A	11	338.3609	A	18
338.929	*	3	338.1235	A	11	338.3611	A	18
338.930	*	3	338.1236	A	11	338.3613	A	18
338.931	*	3	338.1237	A	11	338.3615	A	18
338.921a	A	3	338.1238	A	11	338.3617	A	18
338.924a	A	3	338.1361	R	17	338.3619	A	18
338.924b	A	3	338.1521	*	19	338.3621	A	18
338.931a	A	3	338.1532	*	19	338.3623	A	18
338.931b	A	3	338.1534	*	19	338.3625	A	18
338.941	R	19	338.1511	R	19	338.3627	A	18
338.942	R	19	338.1521a	R	19	338.3629	A	18
338.943	R	19	338.1524	R	19	338.3631	A	18
338.944	R	19	338.1531	R	19	338.3633	A	18
338.1191	R	11	338.1901	R	19	338.3635	A	18
338.1192	R	11	338.1905	R	19	338.3637	A	18
338.1194	R	11	338.1908	R	19	338.3639	A	18
338.1196	R	11	338.1909	R	19	338.3641	A	18
338.1197	R	11	338.1910	R	19	338.3643	A	18
338.1197a	R	11	338.1911	R	19	338.6101	*	6
338.1198	R	11	338.1912	R	19	338.6201	*	6
338.1200	R	11	338.1913	R	19	338.6301	*	6
338.1211	A	11	338.1921	R	19	338.6305	*	6
338.1212	A	11	338.1922	R	19	338.6308	*	6
338.1213	A	11	338.2101	*	19	338.6309	A	6
338.1221	A	11	338.2102	R	19	338.6311	A	6
338.1222	A	11	338.2122	R	19	338.7001	*	6
338.1223	A	11	338.2123	R	19	338.7001a	*	6
338.1223a	A	11	338.2128	R	19	338.7002	*	6
338.1224	A	11	338.2165	R	19	338.7005	A	6
338.1225	A	11	338.2139a	R	19	338.9004	*	19
338.1226	A	11	338.2141	R	19	338.9013	*	19
338.1227	A	11	338.2142	R	19	338.9001	R	19
338.1228	A	11	338.2143	R	19	338.9002	R	19
338.1229	A	11	338.2144	R	19	338.9003	R	19
338.1229a	A	11	338.2145	R	19	338.9006	R	19

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R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue
338.9007	R	19	339.4005	R	19	339.19007	R	19
338.9008	R	19	339.4007	R	19	339.19027	R	19
338.9009	R	19	339.4009	R	19	339.19045	R	19
338.9010	R	19	339.4011	R	19	339.19049	R	19
338.9011	R	19	339.5001	R	19	339.20001	R	12
338.9012	R	19	339.5005	R	19	339.20002	R	12
338.11101	*	19	339.5021	R	19	339.20009	R	12
338.11109	R	19	339.5023	R	19	339.20011	R	12
338.11115	A	19	339.5031	R	19	339.20013	R	12
338.11120	A	19	339.5033	R	19	339.20015	R	12
338.11247	A	19	339.5035	R	19	339.20017	R	12
338.11401	A	19	339.5037	R	19	339.20018	R	12
338.11403	*	19	339.5039	R	19	339.20019	R	12
338.11404a	*	19	339.6001	R	17	339.20031	R	12
338.11405	*	19	339.6003	R	17	339.20033	R	12
338.11406	*	19	339.6045	R	17	339.20035	R	12
338.11408	*	19	339.6051	R	17	339.20037	R	12
338.11409	*	19	339.15101	*	17	339.22101	*	19
338.11503	*	19	339.15103	R	17	339.22211	*	19
338.11505	*	19	339.15302	R	17	339.22327	*	19
338.11513	*	19	339.15301	*	4	339.22604	*	19
338.11517	*	19	339.16001	*	19	339.22605	*	19
338.11523	*	19	339.16002	*	19	339.22617	*	19
338.11701	*	19	339.16003	R	19	339.22631	*	19
338.11703	*	19	339.16024	*	4	339.22103	R	19
338.11704	*	19	339.17101	*	19	339.22209	R	19
338.11704a	*	19	339.17301	*	4	339.22213	R	19
338.11705	*	19	339.17403	*	19	339.22337	R	19
338.11402	A	19	339.17103	R	19	339.22615	R	19
338.11405b	A	19	339.17302	R	19	339.22643	R	19
338.11405c	A	19	339.17404	R	19	339.22647	R	19
338.11410	A	19	339.18001	R	19	339.22651	R	19
339.601	R	12	339.18007	R	19	339.22652	R	19
339.1002	*	19	339.18023	R	19	339.22657	R	19
339.1003	*	19	339.18025	R	19	339.22659	R	19
339.1001	R	19	339.18027	R	19	339.22665	R	19
339.1004	R	19	339.18031	R	19	339.23101	*	19
339.4001	R	19	339.18035	R	19	339.23102	*	19
339.4003	R	19	339.19001	R	19	339.23103	R	19

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339.23201	R	19	390.567	R	19	393.5082	A	11
340.471	R	12	393.5001	A	11	393.5083	A	11
340.472	R	12	393.5003	A	11	393.5084	A	11
340.473	R	12	393.5004	A	11	393.5085	A	11
340.474	R	12	393.5005	A	11	393.5086	A	11
340.475	R	12	393.5021	A	11	393.5091	A	11
340.476	R	12	393.5022	A	11	393.5092	A	11
340.477	R	12	393.5023	A	11	393.5093	A	11
340.478	R	12	393.5024	A	11	393.5094	A	11
340.479	R	12	393.5025	A	11	393.5095	A	11
388.7	R	19	393.5026	A	11	400.907	*	11
388.1	R	19	393.5027	A	11	400.908	*	11
388.19	A	19	393.5028	A	11	400.3101	*	11
388.20	A	19	393.5029	A	11	400.3103	*	11
388.21	A	19	393.5031	A	11	400.3104	*	11
388.22	A	19	393.5032	A	11	400.3105	*	11
388.1	*	19	393.5033	A	11	400.3106	*	11
388.2	*	19	393.5041	A	11	400.3107	*	11
388.3	*	19	393.5042	A	11	400.3108	*	11
388.4	*	19	393.5045	A	11	400.3109	*	11
388.5	*	19	393.5051	A	11	400.3110	*	11
388.6	*	19	393.5052	A	11	400.3111	*	11
388.8	*	19	393.5053	A	11	400.3113	*	11
388.9	*	19	393.5054	A	11	400.3115	*	11
388.10	*	19	393.5055	A	11	400.3116	*	11
388.11	*	19	393.5056	A	11	400.3123	*	11
388.12	*	19	393.5058	A	11	400.3124	*	11
388.13	*	19	393.5061	A	11	400.3125	*	11
388.15	*	19	393.5062	A	11	400.3127	*	11
388.17	*	19	393.5063	A	11	400.3129	*	11
388.18	*	19	393.5064	A	11	400.3130	*	11
390.561	*	19	393.5070	A	11	400.3131	*	11
390.562	*	19	393.5072	A	11	400.3102	R	11
390.562a	*	19	393.5073	A	11	400.3601	*	11
390.564	*	19	393.5074	A	11	400.3602	*	11
390.569	*	19	393.5075	A	11	400.3604	*	11
390.563	R	19	393.5076	A	11	400.3606	*	11
390.564a	R	19	393.5077	A	11	400.3607	*	11
390.565	R	19	393.5081	A	11	400.3608	*	11

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400.3609	*	11	408.891	R	19	408.7040	R	11
400.3610	*	11	408.891a	R	19	408.7044	R	11
400.3611	*	11	408.893	R	19	408.7050	R	11
400.3612	*	11	408.895	R	19	408.7063	R	11
408.45	*	15	408.7001	*	11	408.7064	R	11
408.90	*	19	408.7002	*	11	408.7065	R	11
408.61	R	19	408.7003	*	11	408.7066a	R	11
408.67	R	19	408.7011	*	11	408.7067	R	11
408.70	R	19	408.7019	*	11	408.13301	*	7
408.75	R	19	408.7020	*	11	408.13302	*	7
408.76	R	19	408.7021	*	11	408.13303	*	7
408.79	R	19	408.7023	*	11	408.13304	*	7
408.803	*	19	408.7024	*	11	408.13305	*	7
408.839	*	19	408.7025	*	11	408.13306	*	7
408.848	*	19	408.7026	*	11	408.13308	*	7
408.873	*	19	408.7029	*	11	408.13309	*	7
408.897	*	19	408.7030	*	11	408.13310	*	7
408.801	R	19	408.7032	*	11	408.13311	*	7
408.806	R	19	408.7034	*	11	408.13312	*	7
408.813	R	19	408.7041	*	11	408.13369	*	7
408.819	R	19	408.7051	*	11	408.13370	*	7
408.821	R	19	408.7052	*	11	408.13372	*	7
408.824	R	19	408.7055	*	11	408.13375	*	7
408.825	R	19	408.7056	*	11	408.13376	*	7
408.826	R	19	408.7058	*	11	408.13378	*	7
408.827	R	19	408.7059	*	11	408.13383	*	7
408.830	R	19	408.7059a	*	11	408.13385	*	7
408.849	R	19	408.7060	*	11	408.13386	*	7
408.851	R	19	408.7069	*	11	408.13387	*	7
408.852	R	19	408.7071	*	11	408.13390	*	7
408.856	R	19	408.7023a	A	11	408.13392	*	7
408.871	R	19	408.7023b	A	11	408.13394	*	7
408.877	R	19	408.7031a	A	11	408.13301a	A	7
408.881	R	19	408.7047b	A	11	408.13310a	A	7
408.882	R	19	408.7055a	A	11	408.13312a	A	7
408.883	R	19	408.7060a	A	11	408.13387a	A	7
408.885	R	19	408.7035	R	11	408.13393	A	7
408.886	R	19	408.7036	R	11	408.13398	R	7
408.887	R	19	408.7037	R	11	408.14904	*	1

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408.14905	*	1	408.15136	*	15	408.17716	*	15
408.14906	*	1	408.15144	*	15	408.17717	*	15
408.14908	*	1	408.15146	*	15	408.17719	*	15
408.14911	*	1	408.15149	*	15	408.17701a	A	15
408.14921	*	1	408.15167	*	15	408.17701b	A	15
408.14922	*	1	408.15102	A	15	408.17701c	A	15
408.14923	*	1	3506	R	15	408.17701d	A	15
408.14924	*	1	5006	R	15	408.17717a	A	15
408.14925	*	1	408.15202	*	17	408.17717b	A	15
408.14926	*	1	408.15205	*	17	408.17717c	A	15
408.14931	*	1	408.15211	*	17	408.17717d	A	15
408.14932	*	1	408.15221	*	17	408.17701	R	15
408.14933	*	1	408.15223	*	17	408.17702	R	15
408.14934	*	1	408.15229	*	17	408.17703	R	15
408.14935	*	1	408.15231	*	17	408.19201	*	2
408.14941	*	1	408.15243	*	17	408.19202	*	2
408.14942	*	1	408.15244	*	17	408.19203	*	2
408.14943	*	1	408.15251	*	17	408.19204	A	2
408.14944	*	1	408.15252	*	17	408.19401	A	15
408.14945	*	1	408.15254	*	17	408.19403	A	15
408.14951	*	1	408.15273	*	17	408.19405	A	15
408.14952	*	1	408.152009	A	17	3403	R	15
408.14953	*	1	408.152012a	A	17	3504	R	15
408.14954	*	1	408.15256	A	17	5002	R	15
408.14961	*	1	408.15280	A	17	408.30401	*	11
408.14962	*	1	408.15282	A	17	408.30404	*	11
408.14963	*	1	408.15284	A	17	408.30409	*	11
408.14964	*	1	3406	R	17	408.30411	*	11
408.14965	*	1	3505	R	17	408.30412	*	11
408.14902	A	1	5005	R	17	408.30414	*	11
408.15112	*	15	408.17601	*	1	408.30415a	*	11
408.15117	*	15	408.17602	*	1	408.30418	*	11
408.15118	*	15	408.17704	*	15	408.30419	*	11
408.15119	*	15	408.17706	*	15	408.30420	*	11
408.15122	*	15	408.17707	*	15	408.30421	*	11
408.15123	*	15	408.17709	*	15	408.30427	*	11
408.15125	*	15	408.17711	*	15	408.30428	*	11
408.15127	*	15	408.17714	*	15	408.30429	*	11
408.15131	*	15	408.17715	*	15	408.30429a	*	11

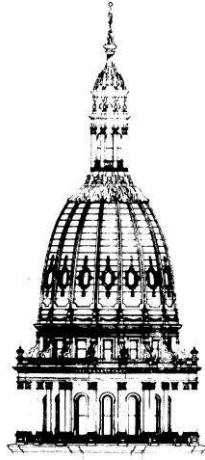
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408.30437	*	11	408.40626	*	5	408.42608	*	7
408.30442	*	11	408.40631	*	5	408.42609	*	7
408.30443	*	11	408.40636	*	5	408.42626	*	7
408.30446	*	11	408.40603	A	5	408.42629	*	7
408.30447	*	11	408.40614	A	5	408.42643	*	7
408.30449	*	11	408.40617a	A	5	408.42651	*	7
408.30451c	*	11	408.40624a	A	5	408.42655	*	7
408.30459	*	11	408.40624b	A	5	408.44201	*	2
408.30499	*	11	408.40633	R	5	408.44202	*	2
408.30403	A	11	408.40634	R	5	408.44203	*	2
408.30429b	A	11	408.40635	R	5	408.44204	A	2
408.30441	A	11	408.41001a	*	7	408.49101	*	4
408.30452	A	11	408.41003a	*	7	408.49102	*	4
408.30551	*	11	408.41074a	*	7	408.49103	A	4
408.30552	*	11	408.41401	*	7	421.1203	*	11
408.30556	*	11	408.41410	*	7	421.1208	*	11
408.30560	*	11	408.41461	*	7	432.101	A	9
408.30561	*	11	408.41463	*	7	432.102	A	9
408.30563	*	11	408.41464	*	7	432.103	A	9
408.30564	*	11	408.41466	*	7	432.104	A	9
408.30566	*	11	408.41467	*	7	432.105	A	9
408.30568	*	11	408.41472	*	7	432.106	A	9
408.30569	*	11	408.41474	*	7	432.107	A	9
408.30570	*	11	408.41475	*	7	432.108	A	9
408.30572	*	11	408.41475a	*	7	432.109	A	9
408.30573	*	11	408.41476	*	7	432.110	A	9
408.30574	*	11	408.41477	*	7	432.111	A	9
408.30575	*	11	408.41478	*	7	432.112	A	9
408.30576	*	11	408.41479	*	7	432.201	A	9
408.30577	*	11	408.41481	*	7	432.202	A	9
408.30565a	A	11	408.41482	*	7	432.203	A	9
408.40601	*	5	408.41483	*	7	432.204	A	9
408.40615	*	5	408.42221	*	1	432.205	A	9
408.40616	*	5	408.42223	*	1	432.206	A	9
408.40617	*	5	408.42224	*	1	432.301	A	9
408.40621	*	5	408.42229	*	1	432.302	A	9
408.40622	*	5	408.42241	*	1	432.303	A	9
408.40624	*	5	408.42243	*	1	432.304	A	9
408.40625	*	5	408.42605	*	7	432.305	A	9

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432.306	A	9	432.21413	R	9	451.601.1	R	15
432.307	A	9	432.21414	R	9	451.601.2	R	15
432.308	A	9	432.21415	R	9	451.601.3	R	15
432.309	A	9	432.21416	R	9	451.601.4	R	15
432.310	A	9	432.21417	R	9	451.603.4	R	15
432.311	A	9	432.21418	R	9	451.605.2	R	15
432.312	A	9	432.21419	R	9	451.702.1	R	15
432.313	A	9	432.21420	R	9	451.703.1	R	15
432.314	A	9	432.21101	*	9	451.703.2	R	15
432.315	A	9	432.21102	*	9	451.705.1	R	15
432.316	A	9	432.21109	*	9	451.705.3	R	15
432.317	A	9	432.21110	*	9	451.705.7	R	15
432.318	A	9	432.21201	*	9	451.706.25	R	15
432.319	A	9	432.21208	*	9	451.801.1	R	15
432.320	A	9	432.21501	*	9	451.801.2	R	15
432.321	A	9	432.21503	*	9	451.803.2	R	15
432.401	A	9	432.21601	*	9	451.803.4	R	15
432.402	A	9	432.21617	*	9	451.803.7	R	15
432.403	A	9	432.21623	*	9	451.803.9	R	15
432.404	A	9	432.21701	*	9	451.812.1	R	15
432.405	A	9	432.21714	*	9	451.812.2	R	15
432.406	A	9	432.21720	*	9	451.814.1	R	15
432.407	A	9	432.21801	*	9	451.818.1	R	15
432.408	A	9	432.21804	*	9	559.108	R	17
432.409	A	9	432.21805	*	9	559.110	R	17
432.410	A	9	432.21806	*	9	559.110	R	17
432.21401	R	9	432.21811	*	9			
432.21401a	R	9	432.21812	*	9			
432.21402	R	9	432.21813	*	9			
432.21403	R	9	450.801	R	13			
432.21404	R	9	450.802	R	13			
432.21405	R	9	450.803	R	13			
432.21406	R	9	450.804	R	13			
432.21407	R	9	450.805	R	13			
432.21408	R	9	450.806	R	13			
432.21409	R	9	450.807	R	13			
432.21410	R	9	450.808	R	13			
432.21411	R	9	450.809	R	13			
432.21412	R	9	450.810	R	13			

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Bone Marrow Transplantation (BMT) Services (2014-18)

Cardiac Catheterization Services (2014-12)

Communicable and Related Diseases (2014-19*)

Computed Tomography (CT) Services (2014-12)

Hospital Beds (2014-12)

Neonatal Intensive Care Services/Beds (NICU) and Special Newborn Nursing Services (2014-5)

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No. 1 (2014-1)

No. 2 (2014-2)

No. 3 (2014-2)

No. 4 (2014-2)

No. 5 (2014-4)

No. 6 (2014-5)

No. 7 (2014-6)

No. 8 (2014-10)

No. 9 (2014-10)
No. 10 (2014-18)

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Dentistry (2014-19)
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Part 4 Building Code (2014-11)
Part 6. Personal Protective Equipment CS (2014-6)
Part 12 Welding and Cutting –GI (2014-13)
Part 33 Personal Protection Equipment-GI (2014-13)
Part 45. Fall Protection Construction Safety (2014-10*)
Part 301. Air Contaminants for General industry (2014-10*)
Part 314 – Coke Oven Emissions OH (2014-3)
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Repeal PA 153 of 2014 (2014-12)
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Repeal PA 178 of 2014 (2014-13)
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Part 11 Fixed and Portable Ladder CS (2014-16*)

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Part 55 Agricultural Operations (2014-14*)
Part 63. Pulp, Paper, and Paperboard Mills GI (2014-10*)
Part 76 Spray Finishing using Flammable and Combustible Materials GI (2014-1)
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Part 81. Baking Operations GI (2014-9*)
Part 91 Process Safety Management of Highly Hazardous Chemicals CS (2014-4)
Part 94 Textiles GI (2014-15)
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Part 304 Ethylene Oxide OH (2014-18*)
Part 307 Acrylonitrile OH (2014-19*)
Part 308. Inorganic Arsenic (As) OH (2014-7)
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Part 311 Benzene OH (2014-15)
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Part 432. Hazardous Waste Operations and Emergency Response OH (2014-6)
Part 433 Personal Protection Equipment OH (2014-3)
Part 451. Respiratory Protection (2014-1)
Part 470 Employee Medical Records and Trade Secrets OH (2014-1)
Part 472 Medical Services and First Aid OH (2014-15)
Part 474 Sanitation OH (2014-18*)
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NATURAL RESOURCES, DEPARTMENT OF

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Special Local Watercraft Controls (2014-18)
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TREASURY, DEPARTMENT OF

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Millionaire Parties (2014-9)
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**ADMINISTRATIVE RULES
ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2014 SESSION)**

Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”

Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.

(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.”

2014 Michigan Public Acts Table

Legislative Service Bureau
Legal Division, Statutory Compiling and Law Publications Unit
124 W. Allegan, Lansing, MI 48909

October 16, 2014
Through PA 323 of 2014

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
1	4866		Yes	1/28	1/28	1/28/14	Traffic control ; traffic regulation; alternative method for signaling a turn; allow when operating a bicycle. (Rep. A. Forlini)
2	4629		Yes	1/30	1/30	1/30/14	Highways ; signs; revisions to highway advertising act; provide for. (Rep. B. Jacobsen)
3		0337	Yes	1/30	2/6	2/6/14	Taxation ; administration; claims for credit or refund, audit completion, and successor liability; modify. (Sen. J. Brandenburg)
4	4715		Yes	2/11	2/11	5/12/14	Weapons ; ammunition; possession of ammunition by certain individuals; prohibit. (Rep. K. Heise)
5	4716		Yes	2/11	2/11	5/12/14 #	Weapons ; ammunition; reference in sentencing guidelines; update. (Rep. J. Graves)
6	4717		Yes	2/11	2/11	5/12/14 #	Weapons ; ammunition; reference in 1927 PA 372; update. (Rep. K. Kesto)
7		031	Yes	2/11	2/11	2/11/14 #	Insurance ; life; insurable interests; amend insurance code to provide for insurable interest of trustees. (Sen. T. Schuitmaker)
8		032	Yes	2/11	2/11	2/11/14 #	Probate ; trusts; insurable interest amendments to the Michigan trust code; provide for. (Sen. T. Schuitmaker)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after sine die adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto.

++ - Pocket veto.

- Tie bar.

2014 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
9		0255	Yes	2/11	2/11	2/11/14	Construction ; code; state construction code; subject to fireworks safety act. (<i>Sen. R. Jones</i>)
10	4570		Yes	2/18	2/18	2/18/14	Courts ; juries; eligibility to postpone jury service of students; expand to include full-time higher education students under certain circumstances. (<i>Rep. K. Cotter</i>)
11		0475	Yes	2/18	2/18	2/18/14	Torts ; liability; trampoline court safety act; create. (<i>Sen. D. Hildenbrand</i>)
12	4713		Yes	2/25	2/25	7/1/14	Education ; safety; reporting requirement for public school safety drills; provide for, and require cardiac emergency response plan. (<i>Rep. J. Graves</i>)
13	5008		Yes	2/25	2/25	2/25/14	Corporate income tax ; other; definition of officer, business loss, and ultimate destination; clarify. (<i>Rep. A. Nesbitt</i>)
14	5009		Yes	2/25	2/25	2/25/14	Corporate income tax ; unitary filing; exclusion of intercompany transactions; modify. (<i>Rep. J. Farrington</i>)
15	5010		Yes	2/25	2/25	2/25/14	Corporate income tax ; exemptions; exemption for certain domestic international sales corporations and sales factor for certain flow-through entities; provide for and clarify. (<i>Rep. K. Cotter</i>)
16	5011		Yes	2/25	2/25	2/25/14	Corporate income tax ; credits; recapture provisions for certain credits; revise. (<i>Rep. H. Haugh</i>)
17		0146	Yes	2/25	2/25	2/25/14	Economic development ; neighborhood enterprise zones; neighborhood enterprise zone eligibility; expand. (<i>Sen. C. Young</i>)
18		0396	Yes	2/25	2/25	2/25/14	Property tax ; assessments; retention of taxable value for property improvements required due to certain natural disaster losses; provide for. (<i>Sen. T. Casperson</i>)

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2014 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
19		0428	Yes	2/25	2/25	5/26/14	Veterans; cemeteries ; flags used to mark graves of veterans; require to be American made. (<i>Sen. R. Kahn</i>)
20		0533	Yes	2/25	2/25	2/25/14	Economic development ; brownfield redevelopment authority; date of report for collection of certain tax increment revenue; revise for 2013 only. (<i>Sen. R. Kahn</i>)
21		0581	Yes	2/25	2/25	2/25/14	Criminal procedure ; sentencing; verification of school enrollment or employment of individual released from jail to attend school or for employment purposes; amend day parole act to correct citation reference. (<i>Sen. R. Jones</i>)
22		0319	Yes	3/4	3/4	3/4/14	Criminal procedure ; sentencing; procedures for determining whether juvenile convicted of murder should be sentenced to imprisonment without parole eligibility; provide for. (<i>Sen. R. Jones</i>)
23	4808		Yes	3/4	3/4	3/4/14 #	Crimes; penalties ; mandatory life imprisonment for certain crimes committed by juveniles; eliminate to reflect United States supreme court decision in Miller v Alabama. (<i>Rep. M. O'Brien</i>)
24	5005		Yes	3/4	3/4	3/4/14	Environmental protection ; solid waste; diverted waste; exempt from definition of solid waste and regulate collection centers. (<i>Rep. A. LaFontaine</i>)
25		0263	Yes	3/4	3/4	3/4/14	Transportation ; railroads; provision in state transportation preservation act of 1976 allowing for rail divestiture or leases to current operators of certain railroad properties; remove, and repeal other provisions. (<i>Sen. B. Caswell</i>)
26		0463	Yes	3/4	3/4	3/4/14	Vehicles ; registration plates; required attachment of registration plate to rear of vehicle; eliminate requirement for certain historic military vehicles. (<i>Sen. B. Caswell</i>)
27		0553	Yes	3/4	3/4	3/4/14	Economic development ; renaissance zones; extension of certain existing renaissance zones; provide for. (<i>Sen. R. Kahn</i>)
28		0558	Yes	3/6	3/6	3/6/14	Mental health ; other; program to divert persons with serious mental illness from justice system to treatment; establish. (<i>Sen. T. Schuitmaker</i>)

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++ - Pocket veto.

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2014 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
29		0557	Yes	3/6	3/6	3/6/14	Mental health; other; certain state funds to be used to provide mental health services; allow. (Sen. T. Schuitmaker)
30	4893		No	3/11	3/11	**	Children; protection; central registry records; require certain notifications to recipients regarding expungement, limit maintenance of records to 10 years, and add certain individuals to the list of those who may receive the confidential record. (Rep. M. O'Brien)
31	4089		Yes	3/11	3/11	3/11/14	Highways; name; certain bridge in Jackson county; designate as the "Officer James Bonneau Memorial Bridge". (Rep. E. Poleski)
32	4168		Yes	3/11	3/11	3/11/14	Animals; dogs; requirement that county sheriff euthanize unlicensed dogs; eliminate. (Rep. M. O'Brien)
33	5074		Yes	3/11	3/11	3/11/14	Property tax; payment and collection; interest rate on uncollected taxes returned to county for collection; provide option to adjust interest rate. (Rep. C. Denby)
34		0608	Yes	3/14	3/14	3/14/14	Appropriations; zero budget; supplemental appropriations; provide for fiscal year 2013-2014. (Sen. R. Kahn)
35	4291		Yes	3/20	3/20	3/20/14	Taxation; administration; performance of certain audits; modify procedures. (Rep. J. Farrington)
36		0437	Yes	3/20	3/20	3/20/14	Local government; intergovernmental affairs; separate legal entities provided in interlocal agreements under the urban cooperation act of 1967; clarify. (Sen. M. Nofs)
37		0629	Yes	3/20	3/20	3/20/14	State financing and management; bonds; refund of certain building authority bonds; extend sunset. (Sen. R. Jones)
38		0630	Yes	3/20	3/20	3/20/14	Economic development; tax increment financing; refund of certain tax increment finance bonds; extend sunset. (Sen. R. Jones)

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2014 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
39	4740		Yes	3/20	3/20	3/20/14	Health facilities ; county medical care facilities; membership on board of trustees of a joint county medical care facility; revise qualifications and eliminate automatic membership for the members of the social welfare board. (Rep. E. McBroom)
40	4810		Yes	3/20	3/20	3/20/14	Property tax ; principal residence exemption; provision relating to allowing an individual moving into assisted living facility to retain principal residence exemption; provide for certain individuals. (Rep. D. Pagel)
41	4941		Yes	3/20	3/20	3/20/14	Occupations ; nurses; issuance of temporary license to nurses licensed in Canada; remove expiration date. (Rep. G. Haines)
42	4709		Yes	3/25	3/25	3/25/14 #	Liquor ; licenses; definition of micro brewer; increase barrel threshold. (Rep. K. Cotter)
43	4710		Yes	3/25	3/25	3/25/14 #	Liquor ; beer; limitation of number of other locations a brewpub may have an interest in and the barrel threshold; increase. (Rep. P. MacGregor)
44	4711		Yes	3/25	3/25	3/25/14 #	Liquor ; beer; number of locations a brewer and micro brewer may sell its beer for on-premises consumption; modify. (Rep. A. Schor)
45		0329	Yes	3/25	3/25	3/25/14 #	Liquor ; other; provision regarding the acquisition, sale, development, or operation of real property to another vendor by a brewer; expand to include wine maker, distiller, or brandy manufacturer and limit the number of real properties. (Sen. D. Hildenbrand)
46		0504	Yes	3/25	3/25	3/25/14 #	Liquor ; other; administration of the liquor control code; clarify. (Sen. J. Hune)
47		0505	Yes	3/25	3/25	3/25/14 #	Liquor ; other; aid and assistance provisions regarding certain secondary use items; modify. (Sen. J. Hune)
48		0506	Yes	3/25	3/25	3/25/14 #	Liquor ; tax; collection and payment of the beer tax; clarify. (Sen. J. Hune)

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++ - Pocket veto.

- Tie bar.

2014 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
49		0507	Yes	3/25	3/25	3/25/14 #	Liquor; tax ; method for collection and payment of wine and mixed spirit drink tax; provide for. (<i>Sen. J. Hune</i>)
50		0650	Yes	3/25	3/25	3/25/14 #	Liquor; distribution ; distribution of beer produced by certain micro brewers to a retailer; allow. (<i>Sen. J. Hune</i>)
51		0276	Yes	3/25	3/25	3/25/14	Human services; other ; public assistance recipients to perform community service as a condition of eligibility; require. (<i>Sen. J. Hune</i>)
52		0636	Yes	3/25	3/25	3/25/14	Communications; telecommunications ; general amendments; provide for. (<i>Sen. M. Nofs</i>)
53		0711	Yes	3/25	3/25	3/25/14	Sales tax; exemptions ; tax exemption on tangible personal property used in construction or renovation of qualified convention facility; extend sunset. (<i>Sen. J. Marleau</i>)
54		0735	Yes	3/25	3/25	3/25/14	Use tax; exemptions ; tax exemption on tangible personal property used in construction or renovation of qualified convention facility; extend sunset. (<i>Sen. J. Marleau</i>)
55		0389	Yes	3/25	3/25	3/25/14	Veterans; benefits ; veterans who did not graduate but joined the armed forces during Vietnam War; grant high school diploma to. (<i>Sen. J. Emmons</i>)
56	5121		Yes	3/26	3/27	3/27/14 #	Courts; judges ; number of judgeships in the sixteenth circuit court; increase. (<i>Rep. J. Walsh</i>)
57	5122		Yes	3/26	3/27	3/27/14 #	Courts; judges ; number of judgeships in the sixth circuit court; increase. (<i>Rep. K. Kesto</i>)
58	5123		Yes	3/26	3/27	3/27/14 #	Courts; judges ; number of judgeships; modify, and consolidate certain district court districts. (<i>Rep. K. Cotter</i>)

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*** - See Act for applicable effective date.

+ - Line item veto.

++ - Pocket veto.

- Tie bar.

2014 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
59	5124		Yes	3/26	3/27	3/27/14 #	Courts; judges; number of third judicial circuit judges; reduce. (Rep. T. Leonard)
60	5125		Yes	3/26	3/27	3/27/14 #	Courts; reorganization; certain district court districts; authorize consolidation under certain circumstances and modify the number of judges. (Rep. K. Heise)
61	4484		Yes	3/26	3/27	6/26/14	Liens; other; self-service storage facility liens; revise liability of storage facility, allow for late fees, and allow for additional means of disposing of certain property. (Rep. P. Pettalia)
62	4811		Yes	3/26	3/27	3/27/14	Military affairs; other; military family relief fund; revised procedure for application and disbursement of funds. (Rep. R. Franz)
63		0610	Yes	3/26	3/27	3/27/14	Weapons; firearms; manufacture, possession, or transfer of certain short-barreled shotguns or rifles; allow. (Sen. M. Green)
64	5345		Yes	3/28	3/28	3/28/14	Crime victims; other; reference to mentally retarded and mental retardation; modify. (Rep. M. Lori)
65	5346		Yes	3/28	3/28	3/28/14	Children; child care; reference to mentally retarded and mental retardation; modify. (Rep. P. Cavanagh)
66	5347		Yes	3/28	3/28	3/28/14	Mental health; developmental disability; reference to mentally retarded and mental retardation; change. (Rep. G. Haines)
67	5348		Yes	3/28	3/28	3/28/14	Mental health; developmental disability; reference to mentally retarded and mental retardation; change to developmental disability. (Rep. T. Leonard)
68	5349		Yes	3/28	3/28	3/28/14	Mental health; developmental disability; reference to mentally retarded in revised judicature act; replace with developmentally disabled. (Rep. K. Cotter)

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++ - Pocket veto.

- Tie bar.

2014 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
69	5350		Yes	3/28	3/28	3/28/14	Children; other; reference to mentally retarded and mental retardation; modify. (Rep. T. Cochran)
70	5351		Yes	3/28	3/28	3/28/14	Mental health; developmental disability; reference to mentally retarded; change to developmentally disabled. (Rep. D. Knezek)
71	5352		Yes	3/28	3/28	3/28/14	Mental health; developmental disability; reference to mentally retarded; change to developmentally disabled. (Rep. P. Somerville)
72		0805	Yes	3/28	3/28	3/28/14	Mental health; other; reference to mentally retarded and mental retardation; modify. (Sen. R. Warren)
73		0806	Yes	3/28	3/28	3/28/14	Human services; adult foster care; reference to mentally retarded and mental retardation; modify. (Sen. B. Caswell)
74		0807	Yes	3/28	3/28	3/28/14	Mental health; other; reference to mental retardation in patient purchaser agreements; eliminate. (Sen. J. Ananich)
75		0808	Yes	3/28	3/28	3/28/14	Mental health; developmental disability; reference to mental retardation in the nonprofit health care corporation reform act; change to developmental disability. (Sen. R. Jones)
76		0809	Yes	3/28	3/28	3/28/14	Mental health; other; reference to mentally retarded and mental retardation; change to intellectual disability. (Sen. M. Jansen)
77		0810	Yes	3/28	3/28	3/28/14	Mental health; developmental disability; reference to mentally retarded and mental retardation; change to developmental disability. (Sen. B. Johnson)
78		0811	Yes	3/28	3/28	3/28/14	Senior citizens; other; reference to mentally retarded and mental retardation; modify. (Sen. J. Moolenaar)

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2014 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
79	4478		Yes	3/28	3/28	3/28/14	Elections ; voters; signature stamp; allow use of, define physical disability, and permit the legislature to provide the content of certain ballot questions. (Rep. A. Schor)
80		0822	Yes	3/28	3/28	pending	Use tax ; collections; collection of local use tax; increase amount allowable. (Sen. D. Hildenbrand)
81		0825	Yes	3/28	3/28	pending #	Use tax ; distribution; enacting section 1 in enrolled HB 6026, 2012 PA 408; amend to reflect different contingencies. (Sen. D. Robertson)
82	4885		Yes	4/1	4/1	4/1/14 #	Taxation ; severance; tax on production of oil and gas produced by enhanced recovery projects; reduce. (Rep. A. Nesbitt)
83	5254		Yes	4/1	4/1	4/1/14 #	Natural resources ; gas and oil; pipeline definition; expand to include pipelines carrying carbon dioxide gas for certain purposes. (Rep. R. Outman)
84	5255		Yes	4/1	4/1	4/1/14 #	Natural resources ; gas and oil; condemnation authority for pipelines; expand to include pipelines carrying carbon dioxide for certain purposes. (Rep. T. Stallworth)
85	5274		Yes	4/1	4/1	4/1/14 #	Natural resources ; gas and oil; regulations for carbon dioxide pipelines; provide for. (Rep. P. Pettalia)
86		0821	Yes	4/1	4/1	pending #	Local government ; other; local community stabilization authority; create. (Sen. J. Brandenburg)
87		0823	Yes	4/1	4/1	4/1/14	Property tax ; exemptions; voter approval for exemption eligibility; modify, and exclude certain utility personal property from eligibility for exemption. (Sen. J. Proos)
88		0824	Yes	4/1	4/1	pending #	State financing and management ; authorities; process for transferring authority powers; revise, and provide other general amendments. (Sen. J. Pappageorge)

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	HB	SB					
89		0826	Yes	4/1	4/1	4/1/14 #	Property tax; exemptions ; enacting section 1 in enrolled SB 1069, 2012 PA 401; amend to reflect different contingencies. (<i>Sen. M. Jansen</i>)
90		0827	Yes	4/1	4/1	4/1/14 #	Property tax; exemptions ; enacting section 1 in enrolled SB 1070, 2012 PA 402; amend to reflect different contingencies. (<i>Sen. S. Bieda</i>)
91		0828	Yes	4/1	4/1	4/1/14 #	Property tax; exemptions ; enacting section 1 in enrolled SB 1071, 2012 PA 403; amend to reflect different contingencies. (<i>Sen. J. Ananich</i>)
92		0829	Yes	4/1	4/1	pending #	Taxation; excise taxes ; tax on certain owners of exempt eligible personal property; create. (<i>Sen. R. Warren</i>)
93		0830	Yes	4/1	4/1	pending #	Taxation; specific tax ; personal property exempt from the specific tax levied under the state essential services assessment act; create alternative specific tax. (<i>Sen. M. Nofs</i>)
94	5152		Yes	4/3	4/3	4/3/14	Elections; other ; general amendments; provide for. (<i>Rep. L. Lyons</i>)
95		0575	Yes	4/3	4/3	7/1/14	Health; occupations ; disciplinary subcommittees; provide for removal of members for conflicts of interest. (<i>Sen. T. Schuitmaker</i>)
96		0576	Yes	4/3	4/3	7/1/14	Public employees and officers; ethics ; supplemental conflict of interest standards for certain regulatory bodies; establish. (<i>Sen. T. Schuitmaker</i>)
97		0577	Yes	4/3	4/3	7/1/14	Health; occupations ; investigation and discipline of licensed health professionals; revise, and provide sanctions for certain conduct. (<i>Sen. R. Jones</i>)
98		0578	Yes	4/3	4/3	7/1/14	Health; occupations ; decisions of disciplining subcommittees; establish process for review before decision is final. (<i>Sen. R. Jones</i>)

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	HB	SB					
99	4593		Yes	4/10	4/10	7/1/14 #	Occupations; junk and secondhand dealers; nonferrous metal regulatory act; expand to include other scrap metal and scrap metal dealers. (Rep. P. Muxlow)
100	4865		Yes	4/7	4/10	4/1/15	Health facilities; other; dental services provided in a mobile dental facility; allow under certain circumstances. (Rep. P. MacGregor)
101		0547	Yes	4/7	4/10	4/10/14	Commercial code; commercial paper; general revisions to article 3 of the uniform commercial code; provide for. (Sen. D. Booher)
102		0548	Yes	4/7	4/10	4/10/14 #	Commercial code; commercial paper; references to uniform commercial code in uniform electronic transactions act; update. (Sen. D. Booher)
103		0549	Yes	4/7	4/10	4/10/14	Commercial code; bank deposits and collections; general revisions to article 4 of the uniform commercial code; provide for. (Sen. D. Booher)
104		0551	Yes	4/7	4/10	4/10/14	Commercial code; secured transactions; calculation of damages for violation of article 9 by secured party; revise, and extend rules in deficiency actions to consumer transactions. (Sen. D. Booher)
105	5119		Yes	4/7	4/10	4/10/14	Commercial code; bank deposits and collections; application of article 4a to certain fund transfers; revise. (Rep. R. VerHeulen)
106		0641	Yes	4/7	4/10	1/1/15	Occupations; real estate; precicensure and continuing education for realtors; revise, and authorize relicensure of certain former licensees. (Sen. M. Kowall)
107		0820	Yes	4/7	4/10	4/10/14	Health facilities; certificate of need; membership on the certificate of need commission; include a reference to a nonprofit mutual disability insurer. (Sen. J. Hune)
108	4288		Yes	4/7	4/10	4/10/14	Sales tax; other; indirect audit procedures; prohibit under certain circumstances. (Rep. F. Foster)

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	HB	SB					
109	4292		Yes	4/7	4/10	4/10/14	Use tax; other; indirect audit procedures; prohibit under certain circumstances. (Rep. P. MacGregor)
110	4467		Yes	4/7	4/10	4/10/14	Insurance; other; regulation of service contracts under insurance code; exempt. (Rep. F. Foster)
111	4907		Yes	4/7	4/10	7/9/14	Crimes; arson; technical amendments; provide for. (Rep. J. Walsh)
112	4908		Yes	4/7	4/10	7/9/14	Criminal procedure; sentencing guidelines; sentencing guidelines for certain arson violations; revise. (Rep. J. Walsh)
113	5282		Yes	4/7	4/10	7/9/14	Crimes; other; right to use force when providing security at a nuclear generating facility; clarify. (Rep. A. Pscholka)
114		0780	Yes	4/7	4/11	4/11/14	Appropriations; capital outlay; supplemental appropriations; provide for natural resources trust fund. (Sen. D. Booher)
115		0719	Yes	4/7	4/11	4/11/14	Natural resources; funding; clean Michigan initiative loans; allow to renegotiate. (Sen. D. Booher)
116	4295		Yes	4/7	4/11	4/11/14	School aid; supplemental; school aid supplemental; provide for 2013-2014. (Rep. J. Haveman)
117	4646		Yes	4/15	4/15	10/12/14	Children; adoption; temporary placement, consent, and release; provide for general revisions. (Rep. M. Shirkey)
118	4647		Yes	4/15	4/15	10/12/14	Children; adoption; supervisory period for infants less than 1 year of age placed for adoption; modify. (Rep. M. O'Brien)

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	HB	SB					
119	4648		Yes	4/15	4/15	10/12/14	Children ; adoption; termination of rights of putative father; clarify. (Rep. K. Kurtz)
120	4781		Yes	5/6	5/6	1/1/15	Traffic control ; driver license; number of temporary instruction permits for motorcyclist; limit, and expand conditions for operation by a permitted motorcycle operator. (Rep. B. Jacobsen)
121		0622	Yes	5/6	5/6	5/6/14	Use tax ; exemptions; exemption for property affixed to property in another state; revise effective date. (Sen. D. Booher)
122	4962		Yes	5/14	5/14	8/12/14	Health ; education; infant death due to unsafe sleep environment; require department to develop educational materials, require certain health providers to give to parents, and require parents to sign an acknowledgment of receipt. (Rep. G. Haines)
123	5154		Yes	5/20	5/20	5/20/14 #	Criminal procedure ; preliminary examination; certain rules and procedures for conducting a preliminary examination; revise. (Rep. T. Leonard)
124	5155		Yes	5/20	5/20	5/20/14 #	Courts ; district court; probable cause conferences in felony and misdemeanor cases; clarify district court's jurisdiction. (Rep. J. Walsh)
125	5277		Yes	5/20	5/20	6/19/14	Civil procedure ; foreclosure; property inspections during redemption period; revise procedures for. (Rep. M. Callton)
126		0562	Yes	5/20	5/20	5/20/14	Property tax ; delinquent taxes; delinquent tax revolving fund; revise. (Sen. T. Schuitmaker)
127		0671	Yes	5/22	5/22	8/20/14	Occupations ; licensing fees; waiver of initial application and initial registration and license fees for certain veterans; provide for. (Sen. J. Moolenaar)
128		0672	Yes	5/22	5/22	8/20/14	Occupations ; security guards; waiver of initial fees for security business and alarm licenses; authorize for certain veterans. (Sen. M. Green)

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	HB	SB					
129	5136		Yes	5/22	5/22	5/22/14	Mental health ; <i>other</i> ; uniform mental health release form; create. (Rep. M. Lori)
130	5263		Yes	5/22	5/22	7/1/14	Crime victims ; <i>other</i> ; definition of a victim; include parents in certain circumstances. (Rep. M. O'Brien)
131		0546	Yes	5/27	5/27	5/27/14	Libraries ; <i>other</i> ; election of library boards; modify, and make other general revisions. (Sen. D. Robertson)
132		0574	Yes	5/27	5/27	5/27/14	Local government ; <i>other</i> ; opt-in provision for eligibility as a foreclosing governmental unit; allow. (Sen. R. Jones)
133		0628	Yes	5/27	5/27	7/1/14	Crime victims ; <i>statements</i> ; delivery of an impact statement by parents of a victim who was a minor at the time of the crime; allow. (Sen. T. Schuitmaker)
134		0749	Yes	5/27	5/27	7/1/14	Crime victims ; <i>other</i> ; delivery of an impact statement by the parent of a victim who was a minor at the time of the crime; allow. (Sen. T. Schuitmaker)
135		0862	Yes	5/27	5/27	5/27/14	Liquor ; <i>licenses</i> ; sale of alcohol at certain sporting events held at a university's outdoor stadium; include certain soccer events. (Sen. T. Schuitmaker)
136		0612	Yes	5/27	5/27	5/27/14 #	Occupations ; <i>barbers</i> ; hours of education requirement; revise. (Sen. H. Hopgood)
137	5396		Yes	5/27	5/27	5/27/14 #	Occupations ; <i>barbers</i> ; hours of education requirement for licensed barber colleges; revise. (Rep. A. LaFontaine)
138		0934	Yes	5/27	5/27	5/27/14	Labor ; <i>hours and wages</i> ; minimum wage act; repeal, and enact new minimum wage law. (Sen. R. Richardville)

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	HB	SB					
139	5146		No	6/3	6/3	**	Insurance; life ; group life insurance standard provisions model act; revise to conform to model act. (Rep. K. Segal)
140	5147		No	6/3	6/3	**	Insurance; insurers ; variable life and annuity products approved by the securities and exchange commission to meet form requirements; allow. (Rep. K. Goike)
141	5148		No	6/3	6/3	**	Insurance; insurers ; qualified assets; include foreign governmental bonds and securities and stocks from Canada. (Rep. M. Hovey-Wright)
142	5149		No	6/3	6/3	**	Insurance; long-term care ; accelerated benefits; clarify that long-term care insurance is not an accelerated benefit and define chronic illness. (Rep. T. Cochran)
143	5150		No	6/3	6/3	**	Insurance; life ; electronic applications; allow, and clarify procedure of surrendering of annuity during review period. (Rep. B. Glardon)
144	4656		Yes	6/3	6/3	6/3/14	Labor; youth employment ; exemption from the youth employment standards act; expand to include 16-year-olds who obtain a high school equivalency certificate. (Rep. K. Segal)
145		0869	Yes	6/3	6/3	6/3/14	Natural resources; fishing ; bass season dates; revise. (Sen. G. Hansen)
146		059	Yes	6/4	6/4	6/4/14	Natural resources; forests ; commercial forests; withdraw forestland from commercial forests and waive penalty under certain circumstances. (Sen. D. Booher)
147	5191		Yes	6/4	6/4	6/4/14	Vehicles; off-road ; helmet requirement; create exemption for property owner, family member, or guest. (Rep. B. Rendon)
148		0741	Yes	6/11	6/11	6/11/14	Occupations; health care professions ; granting temporary license to military spouses who hold a similar license or registration in another jurisdiction; allow under certain circumstances. (Sen. T. Schuitmaker)

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	HB	SB					
149		0742	Yes	6/11	6/11	6/11/14	Occupations ; individual licensing and regulation; temporary license or registration for certain military spouses; allow. (Sen. T. Schuitmaker)
150		0418	Yes	6/11	6/11	6/11/14	Insurance ; other; person selling travel insurance; exempt from licensing requirement. (Sen. J. Hune)
151		0476	Yes	6/11	6/11	6/24/14 #	Occupations ; auctioneers; registration of auctioneers in occupational code; repeal. (Sen. D. Hildenbrand)
152		0477	Yes	6/11	6/11	6/24/14 #	Occupations ; licensing fees; registration, application, and examination fees for auctioneers; repeal. (Sen. D. Hildenbrand)
153		0494	Yes	6/11	6/11	6/11/14 #	Occupations ; community planners; registration, application, and examination fees for community planners; repeal. (Sen. B. Caswell)
154	4377		Yes	6/11	6/11	6/11/14 #	Occupations ; community planners; regulation of community planners in occupational code; repeal. (Rep. T. Kelly)
155		0607	Yes	6/11	6/11	6/11/14 #	Occupations ; ocularists; registration fee for ocularists; repeal. (Sen. R. Kahn)
156	4392		Yes	6/11	6/11	6/11/14 #	Occupations ; ocularists; regulation of ocularists in occupational code; repeal. (Rep. H. Haugh)
157	4376		Yes	6/11	6/11	6/11/14	Occupations ; other; regulation of proprietary school solicitors; repeal. (Rep. E. McBroom)
158		0409	Yes	6/11	6/11	7/1/14	Crimes ; other; unlawful imprisonment; include as predicate offense for first degree murder. (Sen. R. Jones)

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	HB	SB					
159		0714	Yes	6/11	6/11	12/8/14	Civil procedure; alternate dispute resolution ; uniform collaborative law act; enact. (Sen. T. Schuitmaker)
160		0759	Yes	6/11	6/11	6/11/14	Natural resources; hunting ; prohibition on person holding a fur dealer's license from holding a license to trap beaver; remove. (Sen. T. Casperson)
161		0893	Yes	6/11	6/11	6/11/14 #	Use tax; collections ; assessment of tax on health maintenance organizations; provide for. (Sen. R. Kahn)
162		0913	Yes	6/11	6/11	6/11/14 #	Taxation; health insurance claims ; assessment on carriers and third party administrators; provide for reduction under certain circumstances. (Sen. R. Kahn)
163	4691		Yes	6/11	6/11	6/11/14	Occupations; business licensing and regulation ; carnival amusement safety board; abolish. (Rep. A. LaFontaine)
164		0114	Yes	6/12	6/12	6/12/14	Property tax; assessments ; assessment of commercial rental property; revise. (Sen. V. Gregory)
165		0446	Yes	6/12	6/12	6/12/14	Health facilities; hospitals ; requirements applicable to hospitals providing extended care services through swing beds; clarify. (Sen. D. Booher)
166		0472	Yes	6/12	6/12	6/12/14	Property; boundaries ; state survey and remonumentation act; modify. (Sen. H. Walker)
167		0656	No	6/12	6/12	**	Human services; medical services ; utilization of maximum allowable cost pricing for generic drugs; require. (Sen. B. Caswell)
168		0680	Yes	6/12	6/12	6/12/14	Natural resources; inland lakes ; county authority to designate use of public road end for purpose of installing a seasonal dock; prohibit county road commission from exercising. (Sen. M. Kowall)

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	HB	SB					
169	5476		Yes	6/17	6/17	6/17/14	Public utilities; electric utilities; proceedings to modify cost allocation methods and rate design methods; provide for. (Rep. J. Stamas)
170	5612		Yes	6/17	6/17	6/17/14	Public utilities; consumer services; use of money in utility consumer representation fund; modify. (Rep. M. Shirkey)
171		0265	Yes	6/17	6/17	9/15/14	Vehicles; registration; company test vehicles; exempt from additional tax on vehicle registrations charged by regional transit authority. (Sen. R. Jones)
172		0648	Yes	6/17	6/17	6/17/14	Higher education; financial aid; loan repayment grant program for certain health professionals and students; expand eligibility criteria and increase maximum grant amount. (Sen. J. Moolenaar)
173		0649	Yes	6/11	6/17	6/17/14	Higher education; financial aid; report to legislature on health care recruitment strategy; expand, and include dental students in minority student grant program. (Sen. J. Marleau)
174	4528		Yes	6/17	6/17	6/17/14	Occupations; immigration clerical assistants; regulation of immigration clerical assistants; revise. (Rep. K. Kesto)
175	4582		Yes	6/17	6/17	9/16/14	Occupations; residential builders; prelicensure education requirements for residential builders and contractors; revise. (Rep. F. Foster)
176	5284		Yes	6/17	6/17	6/17/14 #	Occupations; residential builders; relicensing of certain formerly licensed residential builders and residential maintenance and alteration contractors; allow. (Rep. M. Lane)
177	5220		Yes	6/17	6/17	6/17/14	Occupations; accounting; requirement that directors and certain officers of public accounting firms hold CPA licenses; revise. (Rep. T. Kelly)
178	5400		Yes	6/17	6/17	9/16/14 #	Environmental protection; solid waste; low-hazard industrial waste, beneficial use by-products, and inert material; reduce regulation of. (Rep. W. Schmidt)

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	HB	SB					
179	5401		Yes	6/17	6/17	6/17/14	Environmental protection; cleanups; person who stores or uses inert materials and beneficial use by-products; exempt from liability. (Rep. E. McBroom)
180	5402		Yes	6/17	6/17	9/16/14 #	Agriculture; fertilizer; liming material licensing conditions; provide for beneficial use by-products and inert materials. (Rep. P. Potvin)
181	5566		Yes	6/20	6/20	6/20/14	State financing and management; authorities; Michigan financial review commission act; create. (Rep. J. Walsh)
182	5567		Yes	6/19	6/20	6/20/14	Cities; home rule; chief financial officer for a city with a population of more than 600,000; require, and require 4-year financial plan. (Rep. J. Kivela)
183	5568		Yes	6/19	6/20	6/20/14	Cities; home rule; benefits under retirement plans established by a city with a population of more than 600,000 or that has discharged \$1,000,000,000.00 in pension liabilities in bankruptcy; modify. (Rep. G. Haines)
184	5569		Yes	6/19	6/20	6/20/14	Labor; public service employment; opt-out for public employee contribution to employer-provider health care benefits; modify. (Rep. A. LaFontaine)
185	5570		Yes	6/19	6/20	6/20/14	Retirement; pension oversight; oversight of certain pensions of cities with a population of more than 600,000; provide for. (Rep. K. Yonker)
186	5573		Yes	6/19	6/20	6/20/14	State financing and management; funds; Michigan trust fund act; allow allocation of certain revenues into the budget stabilization fund. (Rep. A. Talabi)
187	5575		Yes	6/19	6/20	6/20/14	State financing and management; authorities; Michigan settlement administration authority; create. (Rep. F. Durhal)
188	5574		Yes	6/20	6/20	6/20/14	State financing and management; funds; budget stabilization fund distribution; provide for. (Rep. T. Stallworth)

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	HB	SB					
189	5576		Yes	6/19	6/20	6/20/14	Labor; arbitration; basis for certain local government arbitration awards; include financial information submitted under the Michigan financial review commission act. (Rep. J. Haveman)
190	5600		Yes	6/19	6/20	6/20/14	Public employees and officers; ethics; membership of a financial review commission; clarify exclusions from conflict of interest. (Rep. J. Olumba)
191		0582	Yes	6/19	6/23	9/22/14	Crimes; weapons; penalties for intentionally discharging a firearm from vehicle or at a dwelling or a potentially occupied structure; increase under certain circumstances. (Sen. J. Marleau)
192		0583	Yes	6/19	6/23	9/22/14 #	Criminal procedure; sentencing guidelines; sentencing guidelines for increased penalties for crime of intentionally discharging a firearm from a motor vehicle or at a dwelling or potentially occupied structure; enact. (Sen. J. Ananich)
193	4378		Yes	6/21	6/24	6/24/14	Occupations; interior design; regulation of interior designers; repeal. (Rep. A. LaFontaine)
194	4683		Yes	6/21	6/24	6/24/14 #	Occupations; auctioneers; reference to registered auctioneers conducting wine auctions; revise in liquor control code. (Rep. D. Nathan)
195	4684		Yes	6/21	6/24	6/24/14 #	Occupations; auctioneers; reference to certain auctioneers in definition of snowmobile dealers in NREPA; revise. (Rep. C. Denby)
196	5314		Yes	6/24	6/24	6/24/14	Appropriations; school aid; fiscal year 2014-2015 omnibus appropriations for school aid, higher education, and community colleges; provide for. (Rep. B. Rogers)
197		0674	Yes	6/24	6/24	6/24/14 #	Civil rights; other; breastfeeding in public places; protect as civil right. (Sen. R. Warren)
198	5591		Yes	6/24	6/24	6/24/14 #	Crimes; obscenity; visibility of certain parts of a woman's anatomy while breastfeeding child; exclude from indecent exposure law. (Rep. A. Price)

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2014 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
199	5592		Yes	6/24	6/24	6/24/14 #	Crimes; disorderly conduct; visibility of certain parts of a woman's anatomy while breastfeeding child; exclude from disorderly conduct law. (Rep. L. Lyons)
200	4486		Yes	6/24	6/24	6/24/14	Health; substance abuse treatment; involuntary substance use disorder assessment, stabilization, and treatment for adults; allow, prescribe penalties, and provide other general amendments. (Rep. J. Walsh)
201	5085		Yes	6/21	6/24	6/24/14	Weapons; safety and training; requirement for physical presence of parent or guardian during use of a pistol by a minor; provide exception. (Rep. P. Potvin)
202		049	Yes	6/24	6/24	12/21/14 #	Weapons; licensing; certain firearms records; exempt from freedom of information act. (Sen. T. Casperson)
203	5325		Yes	6/24	6/24	12/21/14 #	Weapons; licensing; definition of firearms records; provide for. (Rep. H. Crawford)
204	4155		Yes	6/24	6/24	12/21/14 #	Weapons; licensing; certain firearm licensing information; require certain procedures for access and disclosure. (Rep. A. Nesbitt)
205		0834	Yes	6/24	6/24	12/21/14 #	Weapons; licensing; firearm records; clarify exemption under the freedom of information act. (Sen. P. Pavlov)
206		0881	Yes	6/24	6/24	12/21/14 #	Weapons; licensing; firearms records; clarify what records are exempt under the freedom of information act. (Sen. G. Hansen)
207	5328		Yes	6/24	6/24	12/21/14 #	Weapons; licensing; firearm records; clarify what is exempt under the freedom of information act. (Rep. K. Cotter)
208	4465		No	6/25	6/25	** #	Education; graduation requirements; Michigan merit curriculum; revise. (Rep. E. McBroom)

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	HB	SB					
209	4466		No	6/25	6/25	** #	Education; graduation requirements; certain requirements of Michigan merit curriculum; modify, and modify personal curriculum requirements. (Rep. J. Johnson)
210		0873	Yes	6/26	6/26	9/25/14 #	Recreation; trails; statewide trail network; include Pure Michigan Trails and provide for Pure Michigan Water Trails and Pure Michigan Trail Towns. (Sen. J. Moolenaar)
211		0875	Yes	6/26	6/26	9/25/14 #	Recreation; trails; statewide trail network; include Pure Michigan Trails and provide definitions. (Sen. D. Hildenbrand)
212		0876	Yes	6/26	6/26	9/25/14 #	Recreation; trails; statewide trail network; include Pure Michigan Trails and provide for trail maintenance. (Sen. G. Hansen)
213		0877	Yes	6/26	6/26	9/25/14 #	Recreation; trails; statewide trail network; include Pure Michigan Trails and provide for trails advisory council oversight of water trails. (Sen. T. Casperson)
214	5553		Yes	6/26	6/26	9/25/14 #	Recreation; trails; statewide trail network; include Pure Michigan Trails and provide for closure of trails under circumstances and funding from the Pure Michigan Trails fund. (Rep. R. Franz)
215	5559		Yes	6/26	6/26	9/25/14 #	Recreation; trails; statewide trail network; include Pure Michigan Trails and authorize department of natural resources to grant easements, use permits, concessions, and leases. (Rep. D. Pagel)
216	5363		Yes	6/21	6/26	1/1/15	Crimes; controlled substances; purchasing or possessing ephedrine or pseudoephedrine knowing or having reason to know it is intended to be used to manufacture methamphetamine; prohibit, and provide a penalty. (Rep. A. Price)
217	5089		Yes	6/21	6/26	1/1/15	Crimes; controlled substances; soliciting another person to purchase ephedrine or pseudoephedrine for the purpose of manufacturing methamphetamine; prohibit, and provide a penalty. (Rep. B. Genetski)
218	5090		Yes	6/21	6/26	1/1/15 #	Criminal procedure; sentencing guidelines; sentencing guidelines for crime of soliciting another person to purchase ephedrine or pseudoephedrine for the purpose of manufacturing methamphetamine; enact. (Rep. A. Nesbitt)

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	HB	SB					
219	4567		Yes	6/21	6/26	9/24/14	Crimes; intoxication or impairment; penalties for certain alcohol- and drug-related driving violations; increase. (Rep. E. Kowall)
220	4568		Yes	6/21	6/26	9/24/14 #	Criminal procedure; sentencing guidelines; sentencing guidelines for certain alcohol- and controlled-substance-related driving violations; revise. (Rep. E. Kowall)
221	4895		No	6/21	6/26	**	Criminal procedure; sentencing; penalty for concealment of a stolen vehicle; increase with prior convictions. (Rep. K. Kesto)
222	4896		No	6/21	6/26	** #	Criminal procedure; sentencing guidelines; sentencing guidelines for crime of receiving and concealing a motor vehicle, second or subsequent offense; enact. (Rep. K. Kesto)
223	5069		Yes	6/21	6/26	9/24/14	Property; other; prohibition on forcible entry by owner; provide exception if occupant is squatting. (Rep. K. Heise)
224	5070		Yes	6/21	6/26	9/24/14	Crimes; trespassing; definition of squatter; provide for, and provide penalties for squatting on certain premises. (Rep. K. Heise)
225	5071		Yes	6/21	6/26	9/24/14 #	Criminal procedure; sentencing guidelines; sentencing guidelines for crime of squatting; enact. (Rep. K. Heise)
226	5335		Yes	6/21	6/26	6/26/14	Torts; premises liability; liability of possessor of land for injuries to trespassers; codify. (Rep. B. Jacobsen)
227	5445		No	6/26	6/26	**	Law enforcement; other; sexual assault kit evidence submission act; create. (Rep. J. Walsh)
228	5478		Yes	6/21	6/27	6/27/14 #	Worker's compensation; administration; private employer group self-insurers security fund; create. (Rep. J. Graves)

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	HB	SB					
229	5479		Yes	6/21	6/27	6/27/14 #	Worker's compensation; administration; liability of various self-insurer funds; establish. (Rep. J. Graves)
230	5480		Yes	6/21	6/27	6/27/14 #	Worker's compensation; administration; trustee authorization of payments from the private employer group self-insurers security fund; provide for. (Rep. J. Graves)
231	5481		Yes	6/21	6/27	6/27/14	Worker's compensation; administration; reimbursement from second injury fund; provide for private employer group self-insurers security fund. (Rep. J. Graves)
232	5483		Yes	6/21	6/27	6/27/14 #	Worker's compensation; administration; authority to assess for insufficiencies in the private employer group self-insurers security fund; establish. (Rep. H. Santana)
233	5484		Yes	6/21	6/27	6/27/14 #	Worker's compensation; administration; attorney general representation of the private employer group self-insurers security fund; provide for. (Rep. H. Santana)
234	5485		Yes	6/21	6/27	6/27/14 #	Worker's compensation; administration; rights against insolvent employer; establish for private employer group self-insurers security fund. (Rep. H. Santana)
235	5486		Yes	6/21	6/27	6/27/14 #	Worker's compensation; administration; availability of private self-insurer's records in bankruptcy; provide for private employer group self-insurers security fund. (Rep. H. Santana)
236	5487		Yes	6/21	6/27	6/27/14 #	Worker's compensation; administration; calculation of and increased assessment limits for certain claims; authorize, and provide for audits and for sanctions for delinquent payments. (Rep. P. Phelps)
237	5488		Yes	6/21	6/27	6/27/14 #	Worker's compensation; administration; reimbursement for delinquent carriers; restrict. (Rep. R. Kosowski)
238	5489		Yes	6/21	6/27	6/27/14 #	Worker's compensation; administration; certain payments from the self-insurers' security fund; authorize. (Rep. B. Jacobsen)

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	HB	SB					
239	5490		Yes	6/21	6/27	6/27/14 #	Worker's compensation; administration; rights of certain funds; establish as same as an employer or carrier. <i>(Rep. F. Foster)</i>
240	4003		Yes	6/21	6/27	6/27/14	Taxation; administration; offer-in-compromise program; provide for. <i>(Rep. J. Walsh)</i>
241	4958		Yes	6/24	6/27	8/26/14	Employment security; benefits; eligibility criteria for unemployment benefits for mineral landmen and certain visa holders; clarify, and prescribe treatment of wages for certain purposes. <i>(Rep. F. Foster)</i>
242	4964		Yes	6/21	6/27	6/27/14	Retirement; investments; automatic enrollment in certain retirement plans; allow public employers to provide and limit liability for default investment decisions. <i>(Rep. J. Walsh)</i>
243	5039		Yes	6/21	6/27	9/25/14	Children; protection; duties of children's ombudsman; expand. <i>(Rep. K. Kurtz)</i>
244	5131		Yes	6/21	6/27	6/27/14	Economic development; brownfield redevelopment authority; member of board; allow to be appointed to serve in his or her capacity as elected official, and establish that when member's service as elected official ends, the term on the board ends. <i>(Rep. H. Santana)</i>
245	5132		Yes	6/21	6/27	6/27/14	Economic development; economic development corporations; member of board; allow to be appointed to serve in his or her capacity as elected official, and establish that when member's service as elected official ends, the term on the board ends. <i>(Rep. H. Santana)</i>
246	5168		Yes	6/21	6/27	9/25/14	Transportation; authorities; agreement between a regional transit authority and a street railway; allow, and provide other general revisions. <i>(Rep. J. Walsh)</i>
247	5169		Yes	6/21	6/27	9/25/14	Transportation; authorities; definition of public transportation provider in regional transit authority act; amend to exclude street railways. <i>(Rep. W. Schmidt)</i>
248	5261		Yes	6/21	6/27	6/27/14	Sales tax; exemptions; sale of vehicles to certain family members; exempt. <i>(Rep. K. Cotter)</i>

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PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
249	5332		No	6/21	6/27	**	Health ; <i>substance abuse</i> ; uniform substance use disorder credentialing program; require department to establish and require certain state departments and agencies to comply with the program. (Rep. M. Lori)
250	5414		Yes	6/21	6/27		Traffic control ; <i>other</i> ; certain driver responsibility fees; shorten assessment period and provide for sunset. (Rep. J. Haveman)
251	5558		No	6/21	6/27	**	Consumer protection ; <i>unfair trade practices</i> ; application of consumer protection act to unfair trade practices in insurance code; modify. (Rep. T. Leonard)
252	5313		Yes	6/30	6/30	6/30/14 +	Appropriations ; <i>zero budget</i> ; omnibus budget appropriations bill; provide for. (Rep. J. Haveman)
253		0444	Yes	6/24	6/30	6/30/14	Natural resources ; <i>nonnative species</i> ; permit process for treatment of aquatic invasive species; revise. (Sen. T. Casperson)
254		020	Yes	6/24	6/30	6/30/14	Environmental protection ; <i>permits</i> ; hazardous waste permit; allow DEQ to deny based on conviction of crime committed in pursuit of permit. (Sen. H. Hopgood)
255		0613	Yes	6/26	6/30	9/28/14	Natural resources ; <i>wildlife</i> ; certain game killed by a vehicle; allow salvaging of. (Sen. D. Booher)
256		0644	Yes	6/28	6/30	6/30/14	Education ; <i>alternative</i> ; strict discipline academies; allow to enroll individuals placed in certain facilities operated by a private agency. (Sen. D. Hildenbrand)
257		0817	Yes	6/28	6/30	6/30/14	Education ; <i>teachers</i> ; implementation dates for performance evaluation requirements for teachers and school administrators; modify. (Sen. J. Pappageorge)
258		0872	No	6/28	6/30	**	Environmental protection ; <i>cleanups</i> ; use of and development on stamp sands; allow. (Sen. T. Casperson)

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	HB	SB					
259	5451		Yes	7/1	7/1	7/1/14	Military affairs; other; tuition assistance program for Michigan national guardsmen; create. (Rep. B. Rendon)
260		0690	Yes	6/26	7/1	1/1/15 #	Occupations; physical therapists; prescription requirement; eliminate under certain circumstances. (Sen. J. Moolenaar)
261		0691	Yes	6/26	7/1	7/1/14 #	Insurance; health care corporations; reimbursement for physical therapy services; allow health care corporation to withhold unless patient has a prescription from a licensed health professional. (Sen. R. Warren)
262		0692	Yes	6/26	7/1	7/1/14 #	Insurance; prudent purchaser agreements; reimbursement for physical therapy services; allow insurance companies to withhold unless patient has a prescription from a licensed health professional. (Sen. T. Casperson)
263		0694	Yes	6/26	7/1	7/1/14 #	Insurance; health; reimbursement for physical therapy services; allow insurers to withhold unless patient has a prescription from a certain licensed health professional. (Sen. M. Green)
264		0693	Yes	6/26	7/1	7/1/14 #	Worker's compensation; benefits; reimbursement for physical therapy services; allow employer to withhold unless patient has a prescription from a licensed health professional. (Sen. D. Hildenbrand)
265		0479	Yes	6/26	7/1	7/1/14	Occupations; code; technical changes to reflect repeal of certain licensing and registration requirements; enact. (Sen. M. Jansen)
266		0713	Yes	6/26	7/1	9/29/14	Mental health; community mental health; powers of governing board of a community mental health services authority; expand. (Sen. D. Booher)
267	4688		Yes	7/1	7/1	7/1/14	Occupations; dietitians and nutritionists; licensure of dietitians and nutritionists; repeal. (Rep. E. McBroom)
268		0900	Yes	6/26	7/2	7/2/14	Worker's compensation; funds; limitations on reimbursement from the Michigan compensation supplement fund; modify. (Sen. J. Brandenburg)

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	HB	SB					
269		0853	Yes	6/26	7/2	9/30/14	Health ; occupations; refraction of human eye and issuance of prescriptions for spectacles or contact lenses; prohibit by unlicensed individuals. (<i>Sen. R. Jones</i>)
270		0846	Yes	6/28	7/2	7/2/14	Liquor ; licenses; issuance of additional licenses in certain redevelopment project areas or development districts; clarify and provide for. (<i>Sen. D. Hildenbrand</i>)
271		0715	Yes	6/28	7/2	7/2/14	Insurance ; other; certificates of insurance model act; enact. (<i>Sen. T. Casperson</i>)
272		0678	Yes	6/28	7/2	7/2/14	Taxation ; tobacco; distribution of tobacco products tax revenue; modify. (<i>Sen. R. Kahn</i>)
273		0611	Yes	6/24	7/2	9/30/14	Economic development ; other; collection of interest on delinquent assessment; modify. (<i>Sen. M. Kowall</i>)
274		0536	Yes	6/24	7/2	7/2/14	Economic development ; other; short-term abatement program; provide for. (<i>Sen. J. Proos</i>)
275		0756	Yes	6/28	7/2	1/1/15 #	Crimes ; other; selling or furnishing ephedrine or pseudoephedrine without a prescription to individual previously convicted of methamphetamine-related offense; prohibit under certain circumstances. (<i>Sen. J. Proos</i>)
276		0535	Yes	6/26	7/2	1/1/15 #	Criminal procedure ; other; methamphetamine abuse reporting act; create, and prohibit certain controlled substance offenders from obtaining products containing ephedrine or pseudoephedrine under certain circumstances. (<i>Sen. J. Proos</i>)
277		0327	Yes	6/24	7/2	7/2/14	Taxation ; administration; certain guidelines used by employees involved in the administration, collection, or auditing of taxes; clarify. (<i>Sen. D. Robertson</i>)
278		0153	Yes	6/24	7/2	7/2/14	Family law ; marriage and divorce; employee designated by county clerk to solemnize marriage in a county having more than 1,500,000 inhabitants; allow. (<i>Sen. M. Hood</i>)

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	HB	SB					
279		0904	Yes	6/28	7/2	9/30/14 #	Criminal procedure ; sentencing guidelines; sentencing guidelines for certain compounding pharmacy violations; enact. (<i>Sen. J. Hune</i>)
280		0704	Yes	6/28	7/2	9/30/14	Health ; pharmaceuticals; compounding pharmacies; regulate, require all pharmacies, manufacturers, and wholesale distributors to designate a pharmacist in charge, and provide remedies and penalties. (<i>Sen. J. Hune</i>)
282		0156	Yes	9/11	9/12	9/12/14	Michigan business tax ; administration; gross receipts, certain credit and apportionment provisions; modify to clarify original intent. (<i>Sen. M. Jansen</i>)
283		0633	Yes	9/23	9/23	12/31/14 #	Traffic control ; other; option of community service in lieu of payment of driver responsibility fees; allow in certain circumstances. (<i>Sen. B. Caswell</i>)
284		0758	Yes	9/23	9/23	9/23/14	Taxation ; hotel-motel tax; collection of delinquent excise taxes; provide for. (<i>Sen. D. Hildenbrand</i>)
285		092	Yes	9/23	9/23	12/22/14	Health ; occupations; pharmacy technicians; license and regulate. (<i>Sen. M. Green</i>)
286		0959	Yes	9/23	9/23	9/23/14	Environmental protection ; hazardous waste; liquid industrial waste site identification number user charges; extend sunset. (<i>Sen. R. Kahn</i>)
287		0960	Yes	9/23	9/23	9/23/14	Environmental protection ; hazardous waste; manifest processing site identification, and hazardous waste management program user charge; extend sunset. (<i>Sen. R. Kahn</i>)
288		066	No	9/30	9/30	**	Education ; graduation requirements; information to help school districts comply with Michigan merit curriculum requirements; provide for. (<i>Sen. J. Proos</i>)
289		0915	No	9/30	9/30	**	Vehicles ; registration; fraudulently indicating that there is no security interest in a vehicle; prohibit. (<i>Sen. T. Casperson</i>)

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	HB	SB					
290		0916	No	9/30	9/30	** #	Vehicles; title; electronic title for vehicles with a lienholder; allow. (<i>Sen. M. Nofs</i>)
291		0917	No	9/30	9/30	** #	Vehicles; title; electronic title for vehicles with a lienholder; allow. (<i>Sen. S. Bieda</i>)
292		0918	No	9/30	9/30	** #	Vehicles; title; electronic title for vehicles with a lienholder; allow. (<i>Sen. J. Brandenburg</i>)
293	5793		Yes	9/30	9/30	9/30/14	Education; graduation requirements; requirements for high school diploma; clarify foreign language Michigan merit standard curriculum requirement. (<i>Rep. L. Lyons</i>)
294		0277	No	9/30	9/30	**	Vehicles; trucks; requirement that commercial vehicles weighing over 5,000 pounds display certain identification information; eliminate. (<i>Sen. J. Hune</i>)
295		0473	Yes	9/30	9/30	9/30/14	Individual income tax; withholding requirements; flow-through entities that have entered into certain housing agreements; eliminate withholding requirement. (<i>Sen. J. Brandenburg</i>)
296		0616	Yes	9/30	9/30	9/30/14	Appropriations; zero budget; supplemental appropriations; provide for fiscal year 2013-2014. (<i>Sen. R. Kahn</i>)
297		0922	Yes	9/30	9/30	9/30/14	State financing and management; bonds; issuance of certain types of bonds; extend sunset. (<i>Sen. J. Brandenburg</i>)
298		1017	Yes	9/30	9/30	9/30/14	Taxation; tobacco; compensation for upgrades to technology and equipment; clarify. (<i>Sen. R. Kahn</i>)
299	4915		Yes	10/2	10/3	10/3/14	Crime victims; other; crime victim's rights fund; extend sunset. (<i>Rep. M. Lori</i>)

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	HB	SB					
300	5615		Yes	10/9	10/9	1/1/15 #	Crimes; other; racketeering statute; include a provision regarding purchasing or possessing ephedrine or pseudoephedrine knowing or having reason to know it is intended to be used to manufacture methamphetamine. (Rep. J. Kivela)
301		0882	Yes	10/9	10/9	10/9/14	Transportation; other; requirement of annual certification of employee-related conditions by local road agencies; modify. (Sen. T. Casperson)
302		1016	Yes	10/9	10/9	10/9/14	Transportation; funds; transportation economic development fund; extend fiscal year funding for the state trunk line fund. (Sen. R. Kahn)
303	4545		Yes	10/9	10/9	1/7/15	Traffic control; other; practice of soliciting business at scene of vehicle accident, emergency, or disablement; prohibit, and designate as a civil infraction. (Rep. D. Zorn)
304	5507		Yes	10/9	10/9	10/9/14	Human services; county services; county administrative rate for foster care services; eliminate. (Rep. P. MacGregor)
305	5248		Yes	10/9	10/10	1/9/15	Occupations; dental assistants; use of certain military experience as the basis for waiver of certain fees for licensure as a dental assistant; authorize. (Rep. G. Haines)
306		0861	Yes	10/9	10/10	10/10/14	Children; other; provision regarding the disbursement of the children's trust fund; modify. (Sen. R. Richardville)
307		0705	Yes	10/9	10/10	10/10/14	Courts; records; recording of hearing involving minor; require to be maintained pursuant to supreme court rules. (Sen. R. Jones)
308		0890	Yes	10/9	10/10	10/10/14	Human services; children's services; provide for redetermined adoption assistance agreements for certain adoptions. (Sen. B. Caswell)
309	5457		Yes	10/9	10/10	10/10/14	Counties; charter; number of charter commissioners required for counties with a population over 600,000; modify. (Rep. M. Lane)

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	HB	SB					
310	5552		Yes	10/9	10/10	10/10/14	Property tax; assessments; definition of transfer of ownership; exclude certain transfers. (Rep. P. Pettalia)
311	5407		Yes	10/13	10/14	10/14/14	Health; pharmaceuticals; opioid antagonist including naloxone hydrochloride; allow prescribers to prescribe and pharmacists to dispense under certain circumstances to friends or family of individuals who may suffer overdose, and require department to publish a report. (Rep. A. Forlini)
312	5404		Yes	10/13	10/14	10/14/14	Health; emergency services; protocols that require emergency response vehicles to carry opioid antagonists and require emergency services personnel to be trained; require medical control authority to develop. (Rep. H. Crawford)
313	5405		Yes	10/13	10/14	10/14/14	Crimes; controlled substances; immunity from criminal prosecution or administrative sanction for prescribing, dispensing, possessing, or administering opioid antagonist; provide for. (Rep. A. Forlini)
314		0857	Yes	10/13	10/14	10/14/14	Torts; liability; administration of a drug in response to a drug overdose; provide protection from civil liability. (Sen. T. Schuitmaker)
315	5385		Yes	10/14	10/14	1/12/15	Crimes; intoxication or impairment; preliminary chemical testing for certain controlled substances; authorize, and provide for procedures and penalties for refusal. (Rep. D. Lauwers)
316		0863	Yes	10/14	10/14	1/12/15 #	Criminal procedure; pretrial procedure; release from custody subject to certain conditions following preliminary roadside analysis and entry of order into LEIN; provide for. (Sen. P. Pavlov)
317	5438		No	10/14	10/14	**	Vehicles; driver training; training to enhance motorcycle and bicycle awareness; provide for. (Rep. T. Brown)
318		0998	Yes	10/14	10/14	1/1/15	Law enforcement; other; sexual assault evidence kit tracking and reporting act; create. (Sen. R. Jones)
319		1004	Yes	10/14	10/14	4/1/15	Crime victims; rights; sexual assault victim's access to justice act; create. (Sen. B. Johnson)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after sine die adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto.

++ - Pocket veto.

- Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
320		1021	Yes	10/14	10/14	1/1/15	Health facilities; hospitals; administration of and procedures relating to sexual assault evidence kit; modify, and require patient be notified of payment provisions applicable to sexual assault medical forensic examination. (Sen. B. Johnson)
321		1036	Yes	10/14	10/14	1/12/15	Health; testing; administration of HIV testing of certain defendants; require expedited testing upon request of victim under certain circumstances. (Sen. R. Jones)
322	5097		Yes	10/15	10/15	10/15/14	Labor; arbitration; limitation on wage increases during collective bargaining agreement negotiations; provide for exceptions. (Rep. J. Walsh)
323	4624		Yes	10/15	10/15	10/15/14	Labor; public service employment; firefighter employment with another fire department; allow, and make prohibited subject of bargaining. (Rep. J. Haveman)
Veto	4379			No		7/2/14 #	Occupations; foresters; qualified foresters; define in NREPA. (Rep. H. Crawford)
Veto	4380			No		7/2/14 #	Occupations; foresters; definition of foresters qualified to prepare forest management plans in general property tax act; modify. (Rep. H. Crawford)
Veto		0481		No		7/2/14 #	Occupations; foresters; regulation of foresters; repeal registration requirements and rescind administrative rules. (Sen. M. Jansen)
Veto		0484		No		7/2/14 #	Occupations; foresters; registration fee for foresters; repeal. (Sen. M. Jansen)

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